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BASIC PROVISIONS

§ 150.01 TITLE.

The official title of this chapter is the Crown Point Zoning Code.
(Ord. 799, passed 12-18-70)

§ 150.02 DEFINITIONS.

For the purpose of this chapter the following words and phrases

shall have the following meanings ascribed them respectively.

"ABANDONMENT." The relinquishment of property or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property owner nor of resuming the use of the property.

"ABATEMENT." The method of reducing the degree and intensity of pollution.

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"ABUT." To physically touch or border upon, or to share a common property line.

"ACCESS." A way or means of approach to provide physical entrance to a property.

"ACCESSORY STRUCTURE." A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

"ACCESSORY USE." A use of land or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

"ACRE." A measure of land area containing 43,560 square feet.

"ADDITION." A structure added to the original structure at some time after the completion of the original.

"ADJOINING LOT OR LAND." A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

"AGRICULTURE." The raising of crops for food and fiber through the cultivation of land for profit.

"AIRPORT." A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

"AISLE." The travelled way by which cars enter and depart parking spaces.

"ALLEY." A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

"ALTERATION." Any change or rearrangement in the supporting

members of an existing building; such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one location to another.

"AMENITY." A natural or man-made feature which enhances or makes more attractive or satisfying a particular property.

"AMORTIZATION." A method of eliminating non-conforming uses by requiring the termination of the non-conforming use after a specified period of time.

"ANIMAL HOSPITAL." A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

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"ANIMAL KENNEL." Any structure or premises in which animals are kept, bred, or trained for commercial gain.

"ANNEXATION." The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

"ANTENNA." An exterior apparatus designed for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

"APARTMENT UNIT." One or more rooms with a private bath and kitchen facilities, comprising an independent, self-contained dwelling unit in a building containing more than two dwelling units, all of which share a common access with one or more of the other units.

"APPLICANT." A person submitting an application for review and action by the city or any of its departments or commissions.

"APPROVED PLAN." A plan which has been granted final approval by the appropriate approving authority.

"APPROVING AUTHORITY." The agency, board, group, or other legally designated individual or authority which has been charged with review and approval of plans and applications.

"ARCHITECTURALLY DESIGNED TOWER." A tower which is designed and constructed in such a manner that the tower appears to be an integral part or element of another permitted structure on the site, such as a church tower, bell tower, etc.

"AREA." The number of square feet within a lot or site, calculated from dimensions derived by a horizontal projection of the site.

"ATTACHED GARAGE." An outbuilding customarily used for the storage of vehicles, which outbuilding is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

"ATTENTION-GETTING DEVICE." A device designed or intended to attract; by noise, sudden intermittent or rhythmic movement, physical change or lighting change; such as banners, flags, streamers, balloons, propellers, whirligigs, search lights, and flashing lights.

"ATTIC." That part of a building which is immediately below and wholly or partly within the roof framing.

"AUTOMATIC CAR WASH." A structure containing facilities for washing automobiles using a chain conveyer or other method of moving the cars along, and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

"AUTOMOBILE." A self-propelled, free moving vehicle, with four or more wheels, primarily for conveyance on a street or roadway.

"AUTOMOBILE SALES." The use of any building, land area, or other premise for the display and sale of new or used automobiles, panel trucks or vans, trailers or recreational vehicles, and including any warrantee repair work and other repair service conducted as an accessory use within an enclosed building.

"AUTOMOBILE SERVICE STATION." Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensation or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.

"AUTOMOTIVE REPAIR SERVICES AND GARAGES." Establishments primarily engaged in furnishing automotive repair, rental, leasing, and parking services to the general public.

"AWNING." A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

"BANK." A financial institution.

"BASE FLOOD ELEVATION." The highest elevation, expressed in feet above sea level, of the level of flood waters occurring in a regulatory base flood.

"BASEMENT." A space having 50% of its area six feet below the average level of the adjoining ground.

"BED AND BREAKFAST."

(1) An operator occupied structure that provides sleeping accommodations to the public for a fee; not to exceed six guest rooms in the existing square footage of the principal structure; provides meals to guests (only); provides sleeping accommodations for not more than 21 days to a guest.

(2) The term does not include hotels, motels, or boarding houses.

"BEDROOM." A private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.

"BILLBOARD." A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

"BLOCK." A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

"BOARD." The Board of Zoning Appeals.

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"BOARDERS." (Roomer, Tenant) A person who occupies a bedroom or room of structure on a long-term basis.

"BOARDING HOUSES." (Lodging House; Rooming House) A structure or portion of a structure providing housing for extended periods. Meals may be provided to boarders.

"BUFFER." A strip of land used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

"BUILDING AREAS." The areas of a lot remaining after the minimum yard and open space requirements of the zoning code have been met.

"BUILDING." Any structure having a roof supported by columns or walls, and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

"BUILDING ACCESSORY." A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

"BUILDING COVERAGE." The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

"BUILDING HEIGHT." The vertical distance on a building, measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof.

"BUILDING INSPECTOR." That individual designated by the appointing authority to enforce the provisions of the building code.

"BUILDING LINE." A line parallel to the right-of-way line of a street, at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

"BUILDING PERMIT." Written permission issued by the proper municipal authority for the construction, repair, alteration, addition to, or demolition of a structure.

"BUILDING PRINCIPAL." A building in which is conducted the principal use of the lot on which it is located.

"BULK FUEL STORAGE." The storage of chemicals, petroleum products, and other materials in aboveground containers, for the subsequent resale to distributors or retail dealers or outlets.

"BUSINESS SERVICES." Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

"BUSINESS" or "COMMERCE." Engaging in the purchase, sale, barter, or exchange of services or goods, wares, or merchandise, of the maintenance or operation of offices or recreational or amusement enterprises.

"CALIPER." The diameter of a tree trunk measured two feet above grade.

"CANOPY." See "AWNING".

"CARRY-OUT RESTAURANT." An establishment which, by design of physical facilities or by service or packaging procedures, permits, or encourages the purchase of prepared, ready-to-eat foods intended primarily to be consumed entirely off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or encouraged.

"CEMETERY." Property used for the interring of the dead.

"CENTRAL BUSINESS DISTRICT" or "CBD." The major shopping area within a city usually containing, in addition to retail uses, governmental offices, service uses, professional, cultural, recreational and entertainment establishments and uses, residences, and transportation facilities.

"CERTIFICATE OF OCCUPANCY." A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable municipal codes and ordinances.

"CHANGE OF USE." Any use which substantially differs from the previous use of a building or land.

"CHURCH." A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conduct of organized religious services and accessory uses associated therewith.

"CLINIC." An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, or social workers; and where patients are not usually lodged overnight.

"CIRCULATION PATTERN." Systems, structures, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes, and conduits; and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or trans-shipment points.

"CLUB." An establishment operated for social, recreational, or

educational purposes, but open only to members and not the general public.

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"CLUSTER." A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

"COIN-OPERATED AMUSEMENT CENTER." Establishments engaged in providing amusement or entertainment through the provision of coin-operated amusement devices, incorporating either electro-mechanical devices such as pinball machines or electronic video display operations.

"COMMERCIAL RECREATION." Establishments engaged in providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors, and swimming pools.

"COMMERCIAL SCHOOL." A school engaged in specialized education in a trade or vocational field of endeavor.

"COMMUNICATION ANTENNA." An antenna or array of antennas at on location intended to broadcast and receive signals as part of a wide-area, communication system such as cellular telephone systems, pager systems or wireless computer networks, but excluding short-wave radio antennas operated primarily as a hobby.

"COMMUNICATION TOWER." A ground-mounted guyed, monopole or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital microwave, cellular, telephone or similar forms of electronic communication.

"COMMUNITY CENTER." A building used for recreational, social, educational, and cultural activities, usually owned and operated by a public or nonprofit group or agency.

"COMPREHENSIVE PLAN." A comprehensive, long-range plan intended to guide the growth and development of a community or region and one that includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.

"CONTIGUOUS." Next to, abutting, or touching and having a common boundary or portion thereof, which is co-terminous.

"CONVALESCENT HOME." A dwelling providing shelter and services for the elderly or disabled, which may include meals, housekeeping, and personal care assistance.

"COVERAGE." The percentage of a lot area covered by principal and accessory use structures.

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"DAY CARE CENTER." A private establishment enrolling four or more children between two and five years of age; and where tuition, fees, or other forms of compensation for the care of the children is charged, operating for a period of five or more hours during the day, and which is licensed by the state as approved to operate as a day care center.

"DENSITY." The number of families, individuals, dwelling units, or housing structures per unit of land.

"DIAGONAL SIGN." A sign which projects outward from a building at a 45 degree angle.

"DIRECTIONAL ANTENNA." An antenna or array of antennas, including panels, microwave dishes and satellite dishes, designed to concentrate a radio signal in a particular direction.

"DOUBLE WIDE UNIT." Two (2) mobile home units, attached side-by-side, which constitute the complete mobile home.

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"DRIVE-IN BANK." A bank which by design, physical facilities, or service encourages customers to receive services while remaining in their motor vehicles.

"DWELLING." A structure or portion thereof which is used exclusively for human habitation.

"DWELLING, ATTACHED." A one-family dwelling attached to two or more one-family dwellings, only by common vertical walls which have no openings.

"DWELLING, DETACHED." A dwelling which is not attached to any other dwelling by any other means.

"DWELLING, FARM." A single-family dwelling or accessory dwellings used to house persons primarily engaged in agriculture on the parcel or adjacent parcels, and which dwelling or accessory dwellings are incidental and subordinate to the principle agricultural use of the parcel or adjacent parcels.

"DWELLING, GARDEN APARTMENT." See "DWELLING, MULTI-FAMILY."

"DWELLING, HIGH-RISE." An apartment building of eight or more stories.

"DWELLING, MID-RISE." An apartment containing from three to seven stories.

"DWELLING, MULTI-FAMILY." A dwelling containing more than two dwelling units.

"DWELLING, PATIO HOUSE." A one-family dwelling on a separate lot with open-space setbacks on three sides and with a court area (also known as zero-lot line).

"DWELLING, QUADRUPLEX." Four attached dwellings in one structure in which each unit has two open-space exposures and shares one or two walls with adjoining unit or units.

"DWELLING, SEMI-DETACHED." A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on the same lot (also known as a duplex).

"DWELLING, SINGLE-FAMILY." A building containing one dwelling unit.

"DWELLING, SINGLE-FAMILY DETACHED." A dwelling which is designed for and occupied by not more than one family, and surrounded by open space or yards, and which is not attached to any other dwelling by any means.

"DWELLING, TOWNHOUSE." A one-family dwelling in a row of at least three such units, in which each unit has its own front and rear access to the outside; no unit is located over another unit, and each unit is

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separated from any other unit by one or more common fire-resistant walls.

"DWELLING, TRIPLEX." A dwelling containing three dwelling units, each of which has direct access to the outside or to a common hall.

"DWELLING, TWO-FAMILY." A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units (also may be called a duplex).

"DWELLING UNIT." One or more rooms, designed, occupied, or intended for occupancy as separate living quarters; with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

"DWELLING UNIT, EFFICIENCY." A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

"EASEMENT." A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another entity.

"EATING AND DRINKING ESTABLISHMENTS." Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption.

"EAVE." The projecting lower edges of a roof overhanging the wall of a building.

"EGRESS." An exit.

"EMISSION." A discharge of pollutants into the air.

"ENVIRONMENTALLY SENSITIVE AREA." An area with one or more of the following characteristics:

- (1) slopes in excess of 20%;
- (2) flood plain;
- (3) soils classified as having a high water table;
- (4) soils classified as highly erodible, subject to erosion, or highly acidic;
- (5) land incapable of meeting percolation requirements;

(6) land formerly used for landfill operations or hazardous industrial uses;

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- (7) fault areas;
- (8) stream corridors;
- (9) estuaries;
- (10) mature stands of native vegetation;
- (11) aquifer recharge and discharge areas.

"EROSION." The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, and gravity.

"ESSENTIAL SERVICES." The erection, construction, alteration, or maintenance of underground, surface, or overhead electrical, gas, steam, water, and sewerage transmission and collection systems; and the equipment and appurtenances necessary for those systems to furnish an adequate level of public service.

"ESTABLISHMENT." An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

"EXACTION." A contribution or payment required as an authorized pre-condition for receiving a development permit.

"FAMILY." One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family contains more than five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, or as family members.

"FARM." A parcel of land on which agricultural activities are the principal use, including buildings and dwellings essential to agricultural production.

"FARM STAND." A booth or stall located on a farm, from which produce and farm products are sold to the general public.

"FAST FOOD RESTAURANT." Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- (1) Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;

(2) More than 45% of the available floor space devoted to food preparation, related activities, and other floor space not available to the public.

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"FIRE STATION." Municipal building devoted to the storage and housing of fire equipment and personnel.

"FENCE." An artificially constructed barrier, of any material or combination of materials, erected to enclose or screen areas of land.

"FINAL APPROVAL" or "SECONDARY APPROVAL." The last official action of the Plan Commission or Board of Zoning Appeals taken on a development plan which has been given preliminary or primary approval, after all conditions and requirements have been met, the required improvements having been installed or guarantees property posted for their installation, or approval conditioned upon the posting thereof.

"FLEA MARKET." An occasional or periodic market held in an open area or structure, where groups of individual sellers offer goods for sale to the public.

"FLOATING ZONE." An unmapped zoning district where all the zone requirements are contained in the ordinance and the zone is fixed on the map only when an application for development, meeting the zone requirements, is approved.

"FLOOD." The temporary overflowing of water onto land which is usually devoid of surface water.

"FLOOD DAMAGE POTENTIAL." The susceptibility of a specific land use to increased off-site flooding or flood-related damages.

"FLOOD FRINGE AREA." That portion of the flood hazard area outside of the floodway, based on the total area inundated during a regulatory base flood plus 25% of the regulatory base flood discharge.

"FLOOD HAZARD AREA." The flood plain, consisting of the floodway and the floodway fringes.

"FLOOD HAZARD DESIGN ELEVATION." The highest elevation, expressed in feet above sea level, of the level of floodwaters which delineates the flood fringe area.

"FLOOD INSURANCE RATE MAP." The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"FLOOD OF RECORD." A flood which has occurred for which there are accurate local records available.

"FLOOD, REGULATORY BASE" or "100-YEAR FLOOD." Flood having a 1% chance of being equalled or exceeded in any given year.

"FLOODPLAIN." The channel and the relatively flat area adjoining the channel of a natural stream or river, which has been or may be covered by floodwater.

"FLOODPROOFING." A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, for

the reduction or elimination of flood damage to properties, water and sanitary facilities, and other utilities, structures, and the contents of buildings.

"FLOODWAY." The channel of a natural stream or river and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

"FLOODWAY, REGULATORY." The channel and the adjacent land areas that must be reserved in order to discharge the regulatory base flood without cumulatively increasing the water surface elevation more than two tenths of one foot.

"FLOOR AREA, GROSS." The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings; but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

"FLOOR AREA, NET." The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

"FLOOR AREA RATIO" or "F.A.R." The gross floor area of all buildings on a lot divided by the lot area.

"FRATERNAL ORGANIZATION." A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.

"FRONTAGE." The side of a lot abutting on a street or alley; the front lot line.

"FRONT FOOT." A measure of land width, being one foot along the front lot line of a property.

"FRONT YARD." The space not containing any structures between a structure and thoroughfare right-of-way line.

"FULL SERVICE EATING AND DRINKING ESTABLISHMENT." An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes the following:

- (1) Customers are normally provided with an individual menu; are

served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which the items are consumed; or

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(2) Cafeteria-type operation where foods, frozen desserts, or beverages are generally consumed within the restaurant building.

"FUNERAL HOME." A building used for the preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

"GARAGE." A deck, building, structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

"GARAGE, PRIVATE RESIDENTIAL." A structure which is accessory to a residential building, and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public.

"GARAGE, REPAIR." Any building, premises and land in which or upon which a business, service, or industry involving the maintenance, servicing, painting, or repair of vehicles is conducted or rendered.

"GARBAGE." Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and serving of foods.

"GLARE." The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

"GOLF COURSE." A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

"GRADE." The degree of rise or descent of a sloping surface.

"GRADE, FINISHED." The elevation of the ground surface after development.

"GRADE, NATURAL." The elevation of the ground surface in its natural state, before man-made alterations.

"GRADING." Any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

"GREEN AREA." Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or a park.

"GREENBELT." An open area which may be cultivated or maintained in a natural state, surrounding a development, or used as a buffer between land uses, or to mark the edge of an urban or developed area.

"GREENHOUSE." A building whose roof and sides are made largely of glass or other transparent or translucent material, and in which

the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

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"GROUND COVER." Grasses or other cultivated plants grown to keep soil from being blown or washed away, not including weeds or other rank vegetation.

"GROUND FLOOR." The first floor of a building other than a cellar or basement.

"GROUNDWATER." The supply of freshwater under the surface in an aquifer or soil that forms the natural reservoir for potable water.

"GROUNDWATER RUNOFF." Groundwater that is discharged into a stream channel as spring or seepage water.

"GROUP CARE FACILITIES." A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household.

"GUEST." An individual who rents a guest room in a bed and breakfast establishment.

"GUEST ROOM." A sleeping room intended to accommodate not more than four guests each night.

"HAZARDOUS MATERIALS." Includes, but is not limited to, inorganic mineral acids of sulfur, fluorine, nitrogen, chromium, phosphorous, selenium, arsenic, and their common salts or metallo-organic derivatives; coal, tar, acids such as phenol and cresols and their salts; dioxins, carcinogens, and all radioactive materials.

"HEALTH CARE FACILITIES." A facility or institution, whether public or private, principally engaged in providing services for health maintenance; diagnosis or treatment of human disease, pain, injury, deformity, or physical condition; including, but not limited to, a general hospital, a special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or home for sheltered care, and bioanalytical laboratory or central services facility serving one or more such institutions; but excluding institutions that provide healing solely by prayer.

"HEALTH SERVICES FACILITIES." Establishments primarily engaged in furnishing medical, surgical, and other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

"HEIGHT." The vertical distance of a structure measured from the

average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.

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"HOME OCCUPATION." An occupation carried on in a dwelling which is clearly secondary to the use of the building for dwelling purposes, and which does not change the character of the unit as a dwelling.

"HOSPICE." A home-like facility for the care of the terminally ill, with acute care facility capabilities.

"HOSPITAL." An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions; and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

"HOTEL." A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.

"IMPERVIOUS SURFACE." Any material which reduces and prevents the absorption of stormwater into previously undeveloped land.

"IMPROVEMENT LOCATION PERMIT." A permit which allows the improvement of an improved or unimproved lot after it has been determined that the lot meets the requirements of the zoning and building regulations and that the requisite fees have been paid.

"INFRASTRUCTURE." Facilities and services needed to sustain industry, residential and commercial activities.

"INGRESS." Access or entry.

"INSTITUTIONAL USE." A non-profit or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure, or land used for public purposes.

"INTERMEDIATE CARE FACILITY." A facility which provides, on a regular basis, health related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who, because of their mental or physical condition, require care and services (above the level of room and board) which can be made available to them only through such institutional facilities.

"INTERSECTION." The point where two or more roads cross at grade.

"JUNK VEHICLE." An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made

usable; or such a vehicle which does not comply with state or city laws or ordinances.

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"JUNKYARD." Any area, lot, land, parcel, building, or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, or two or more unregistered, inoperable motor vehicles, or other type of junk.

"KENNEL." An establishment in which more than two dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained, or sold.

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"LAND." Ground, soil, or earth, including structures on, above, or below the surface.

"LAND USE." A description of how land is occupied or utilized.

"LAND USE PLAN." A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

"LATTICE TOWER." A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

"LAUNDROMAT." An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

"LIBRARIES." Institutions for the storage and circulation of books, films, and other materials for use by the general public.

"LIGHT INDUSTRIAL." Industrial uses which meet the performance standards, bulk controls, and other requirements established in this chapter.

"LOADING SPACE." An off-street area or berth used for the loading or unloading of commercial vehicles.

"LOT." A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law (see "ZONING LOT").

"LOT AREA." The total area within the lot lines of a lot, excluding any street rights-of-way.

"LOT CORNER." A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

"LOT COVERAGE." That portion of the lot that is covered by buildings or structures.

"LOT DEPTH." The distance measured from the front lot line to the rear lot line.

"LOT, DOUBLE FRONTAGE." A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

"LOT FRONTAGE." The length of the front line measured at the

street right-of-way line.

"LOT, INTERIOR." A lot other than a corner lot.

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"LOT LINE." A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

"LOT LINE, FRONT." The lot line separating a lot from a street right-of-way.

"LOT LINE, REAR." The lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to, and at a maximum distance from the front lot line.

"LOT LINE, SIDE." Any lot line other than a front or rear lot line.

"LOT, MINIMUM AREA OF." The smallest lot area established by the zoning code on which a single use or single structure may be located in a particular district.

"LOT OF RECORD." A lot which exists as shown or described on a plat or deed in the records of the County Recorder.

"LOT WIDTH." The horizontal distance between the sidelines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

"LOUD HAILER." An electronic device used for the projection of either voice or music.

"MANUFACTURED HOME." A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law.

"MANUFACTURING FACILITY." Establishment engaged in the mechanical, chemical, or nuclear transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

"MANUFACTURING, GENERAL." The manufacturing, processing, assembling, fabrication, or repairing of any materials or products where no continuous process involved will produce noise, vibration, electrical disturbance, air pollution, heat, glare, waste matter, odor, or fire hazard which will disturb or endanger neighboring property, and where some operations and storage may be in open areas.

"MANUFACTURING, LIGHT." The manufacturing, processing, assembly, fabrication, or repairing of certain materials or products, where no

process involved will produce noise, vibration, electrical disturbance, air pollution, water pollution, heat, glare, waste matter, odor, or fire hazard which will disturb or endanger neighboring property, and where all operations and storage are entirely within enclosed buildings or areas.

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"MARKET STUDY." A study that measures the economic demand for a particular site and/or land use.

"MARQUEE." Any hood, canopy, awning, or permanent structure which projects from a wall of a building, usually above an entrance.

"MEDICAL OFFICE." A building that contains establishments dispensing health services.

"MINI-WAREHOUSE." A structure containing separate storage of varying sizes leased or rented on an individual basis.

"MIXED USE ZONING." Regulations which permit a combination of different uses within a single development.

"MOBILE HOME." A structure, transportable in one or more sections, which is at least eight feet in width and 32 feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities.

"MOBILE HOME PARK." A site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

"MOBILE HOME STAND." A plot of land for the placement of a single mobile home within a mobile home park.

"MONOPOLE TOWER." A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

"MORTUARY." A place for the storage of dead human bodies prior to burial or cremation.

"MOTEL." An establishment providing the transient accommodations, containing six or more rooms, with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

"MUCK." Soil consisting of organic materials and decaying vegetation, normally unsuitable for building.

"MUNICIPAL BUILDING." A structure housing an operation of a municipality.

"NATURAL RETENTION AREA." A naturally-occurring pond or wetland which retains stormwater runoff.

"NONCONFORMING LOT." A lot, the area, dimensions, or location of which was lawful prior to the adoption, revisions, or amendment of the zoning code; but which fails, by reason of such adoption,

revisions, or amendment, to conform to current requirements of the zoning district.

"NONCONFORMING SIGN." Any sign lawfully existing of the effective date of an ordinance, or amendment thereto, which renders the sign

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nonconforming, because it does not conform to all the standards and regulations of the adopted or amended ordinance.

"NONCONFORMING STRUCTURE" or "NONCONFORMING BUILDING." A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning code, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning code.

"NONCONFORMING USE." A use or activity which was lawful prior to the adoption, revision, or amendment of a zoning code, but which fails, by reason of such adoption, revision, or amendment, to conform to current requirements of the zoning district.

"NORTHPOINT." The designation on a map illustrating the direction of north.

"NOXIOUS." Offensive or disturbing.

"NUISANCE." An unlawful or unreasonable interference with the enjoyment and use of property, or a property right or a use or building in violation of this zoning code.

"NURSERY SCHOOL." See "CHILD CARE CENTER."

"OCCUPANCY PERMIT." A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

"OFFICE." A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

"OFFICE BUILDING." A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

"OFF-STREET PARKING SPACE." A temporary storage area for a motor vehicle, that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

"OMNI-DIRECTIONAL ANTENNA." An antenna that transmits signals in 360 degrees. Such as a whip antenna.

"OPACITY." Degree of obscuration of light.

"OPEN SPACE." Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public or private use and enjoyment, or for the use and enjoyment of owners or occupants of land adjoining or neighboring that open space.

"OPEN SPACE, COMMON." Land within or related to a development, not individually owned or dedicated for the public use, which is designed and intended for the common use or enjoyment of the residents

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of the development, and may include such complementary structures and improvements as may be necessary or appropriate.

"OPEN SPACE, GREEN." An open space area not occupied by any structures or impervious surfaces.

"OPEN SPACE, PRIVATE." An open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

"OPEN SPACE, PUBLIC." Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

"OPEN SPACE RATIO." Total area of open space divided by the total site area in which the open space is located.

"OPERATOR." An owner or the owner's agent of a bed and breakfast establishment who resides within the establishment.

"OWNER." An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

"PARCEL." A lot or tract of land as determined by the tax key number recorded in the Office of the Lake County Auditor and Recorder's Office.

"PARK." A tract of land, designated and used by the public for active or passive recreation.

"PARKING ACCESS." The area of a parking lot that allows motor vehicles ingress and egress from the street.

"PARKING AREA." Any public or private land area designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated private streets.

"PARKING AREA, PRIVATE." A parking area for the private use of the owners or occupants of the lot on which the parking area is located.

"PARKING AREA, PUBLIC." A parking area available to the public, with or without fees, or used to accommodate clients, customers, or employees.

"PARKING BAY." A parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave spaces.

"PARKING LOT." An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

"PARKING SPACE." A space for the parking of a motor vehicle within a public or private parking area.

"PASSIVE RECREATION AREA." An open area designed for walking or sitting and enjoying nature or surroundings.

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"PERFORMANCE STANDARDS." A set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

"PERMANENTLY AFFIXED." To affix a structure to the ground or to another structure in accordance with the design and material specification of applicable building codes.

"PERMITTED USE." Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

"PERSONAL SERVICES FACILITIES." Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

"PHARMACY." A place where drugs and medicines are prepared and dispensed.

"PLANNED INDUSTRIAL DEVELOPMENT." A planned development that accommodates industrial uses.

"PLANNED UNIT DEVELOPMENT" or "PUD." An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified.

"PLANNING COMMISSION." The duly designated advisory plan commission of the municipality.

"POTABLE WATER." Water suitable for drinking or cooking purposes.

"PRELIMINARY PLAN." A preliminary map indicating the proposed layout of the subdivision, PUD, or site plan, which is submitted to the proper review authority for consideration and preliminary approval.

"PRINCIPAL USE." The primary or predominant use of any lot.

"PRIVATE CLUB OR LODGE." A building and related facilities owned and operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members, and not primarily for profit, and whose members meet certain prescribed qualifications for membership.

"PRIVATE RECREATION." Recreational activities which are not open to the general public and for which a fee may or may not be charged.

"PROCESSING." A series of operations, usually in a continuous

and regular action or succession of actions, taking place or carried on in a definite manner.

"PRIVATELY OWNED PARKS AND PLAYGROUNDS." Parks and playgrounds which are not open to the general public and which are held in private ownership.

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"PROFESSIONAL SERVICES." Services offered to the general public by the traditional professions, such as law, medicine, engineering, accounting, and architecture.

"PUBLIC FACILITIES." Facilities which are owned and operated by a municipality, government agency, or publicly owned utility.

"PUBLIC HEARING." A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak or participate.

"PUBLIC UTILITY." A closely regulated private enterprise with an exclusive franchise for providing a public service.

"PUBLIC UTILITY BUILDING." A building owned and operated by a closely regulated private enterprise with an exclusive franchise for providing a public service.

"PUBLIC WAY." A highway, street, avenue, boulevard, road, lane, alley or other areas specifically designated and continuously maintained for public access.

"QUASI-PUBLIC AGENCY." A service owned and operated by a non-profit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

"QUORUM." A majority of the full membership of a board or agency.

"RECREATION, ACTIVE." Leisure time activities, usually of a more formal nature and performed with others, often requiring equipment and taking place at prescribed places, sites, or fields.

"RECREATION FACILITY." A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

"RECREATION FACILITY, COMMERCIAL." A recreation facility operated as a business and open to the public for a fee.

"RECREATION FACILITY, PERSONAL." A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

"RECREATION FACILITY, PRIVATE." A recreation facility operated by a non-profit organization, and open only to bona fide members and guests of that non-profit organization.

"RECREATION FACILITY, PUBLIC." A recreation facility operated by

a governmental agency and open to the general public.

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"RECREATION, PASSIVE." Any leisure time activity not considered active.

"RECREATIONAL DEVELOPMENT." A recreational development planned, maintained, operated and integrated with a major recreational facility.

"RECREATIONAL VEHICLE." A vehicular-type portable structure without permanent foundation; which can be towed, hauled, or driven; and primarily designed as temporary living accommodations for recreational, camping, and travel use; and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

"RECYCLING." The process by which waste products are reduced to raw materials and transformed into new and often different products.

"RECYCLING CENTER." A building or yard specializing in transforming waste products back into raw materials and converting them into new and often different products.

"RELIGIOUS USE." A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular deity or system of beliefs are held.

"RESEARCH LABORATORY." An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

"RESIDENCE." A home, abode, or place where an individual is actually living at a specific point in time.

"RESTRICTION." A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

"RESTRICTIVE COVENANT." A restriction on the use of land usually set forth in a deed or other appropriate document.

"RETAIL FOOD ESTABLISHMENT." Any fixed or mobile place or facility, at or in which food or drink is offered or prepared for

retail sale or for service with or without charge, on or at the premises or elsewhere.

"RETAIL TRADE." Establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods.

"RIGHT-OF-WAY." A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and

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intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses. Generally, the right of one to pass over the property of another.

"RIGHT-OF-WAY LINES." The lines that form the boundaries of a right-of-way.

"RINGLEMANN CHART." A device to measure the opacity of smoke emitted from stacks and other sources.

"RUNOFF." The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

"SALES LOT." An area of land improved and used for the sale of products.

"SANITARY LANDFILL." A site for solid waste disposal.

"SANITARY LANDFILLING." A planned method of solid waste disposal in which the solid waste is spread in thin layers, compacted to the smallest practical volume, and covered with soil at the end of each working day.

"SANATORIUM." A hospital used for treating chronic and usually long-term illness.

"SATELLITE DISH ANTENNA." A dish-shaped antenna used to receive signals transmitted from satellites. Large satellite dish antennas are those where the maximum diameter of the dish is greater than 36 inches. Small satellite dish antennas are those where the maximum diameter of the dish is 36 inches or less in diameter.

"SAVINGS AND LOAN." A financial institution engaged in banking, with an emphasis on mortgage lending.

"SCALE." The relationship between distances on a map and actual ground distances.

"SCHOOL." Any building or part thereof which is designed or used for education or instruction in a branch of knowledge.

"SCHOOL, ELEMENTARY." Any school licensed by the state and which meets the state requirements of elementary education.

"SCHOOL, PAROCHIAL." A school supported and controlled by a church or religious organization.

"SCHOOL, PRIVATE." Any building or group of buildings the use of which meets the state requirements for primary, secondary, or higher education and which use does not secure a major part of its funding from any governmental agency.

"SCHOOL, SECONDARY." Any school licensed by the state and which is authorized to award diplomas for secondary education.

"SCREENING." A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

"SETBACK." The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

"SETBACK LINE." That line that is the required minimum distance from the street right-of-way, or any other lot line that establishes the area within which the principal structure must be erected or placed.

"SEWAGE TREATMENT PLANT." A plant designed for the treatment of raw sewage.

"SIGHT TRIANGLE." A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

"SIGN." Any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

"SIGN, ADVERTISING." A sign which depicts information concerning the products sold on the premises or services provided.

"SIGN, ANIMATED." Any sign or part of a sign which changes physical position by any movement or rotation, or which gives the visual impression of movement or rotation.

"SIGN AREA." The entire face of the sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing the total display area of a sign, mathematical formulas for geometric shapes formed by straight lines drawn closest to the extremities of the sign excluding any structural members shall be used.

"SIGN, AWNING, CANOPY, OR MARQUEE." A sign that is mounted on or painted onto, an awning, marquee, or canopy that is otherwise permitted by ordinance.

"SIGN, BILLBOARD." A sign which directs attention to a business,

commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

"SIGN, BULLETIN BOARD." A sign which identifies an institution or organization on the premises which it is located, and which contains

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the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

"SIGN, BUSINESS." A sign which depicts only the name, address, number, or logo of the business located on the zoning lot.

"SIGN, CONSTRUCTION." A temporary sign erected on the premises on which construction is taking place, during the period of the construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

"SIGN, DIRECTIONAL." Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

"SIGN FACE." The area or display surface used for the message.

"SIGN, FLASHING." Any directly or indirectly illuminated sign which exhibits changing, natural or artificial light or color effects by any means whatsoever.

"SIGN, FLUSH-MOUNTED." A sign mounted against a principal structure, the depth of which does not exceed 12 inches, with no printed messages on end spaces.

"SIGN, FREESTANDING." Any nonmovable sign not affixed to a building.

"SIGN, GOVERNMENTAL." A sign erected and maintained pursuant to and in discharge of any governmental functions; or required by law, ordinance, or other governmental regulation.

"SIGN, GROUND." Any sign, other than a pole sign, placed upon or supported by the ground, independent of any other structure.

"SIGN, IDENTIFICATION." A sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

"SIGN, ILLUMINATED." A sign lighted by or exposed to artificial lighting, either by lights in the sign or directed towards the sign.

"SIGN, POLITICAL." A temporary sign announcing or supporting political candidates, parties, or issues in connection with any national, state, or local election, movement, or cause.

"SIGN, PORTABLE." A sign that is not permanently affixed to a building, structure or the ground.

"SIGN, PROJECTING." A sign that is wholly or partly dependent upon a building for support and which projects more than 18 inches from the building.

"SIGN, TEMPORARY." A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material, and designed or intended to be displayed for a short period of time.

"SIGN, WALL." A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than two inches from the building or structure.

"SIGN, WINDOW." A sign that is applied or attached to the exterior or interior of a window, and located in such a manner within the building that it can be seen from the exterior of the structure through a window.

"SINGLE OWNERSHIP." Ownership by one or more persons in any form of ownership of a lot or lots partially or entirely in the same ownership.

"SITE." Any plot or parcel of land or combination of contiguous lots or parcels of land.

"SITE PLAN." The development plan for one or more lots, on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices, and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

"SKETCH PLAN." A rough map of the proposed subdivision or site plan, of sufficient accuracy to be used for the purpose of discussion and classification.

"SLOPE." The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

"SOIL." All unconsolidated mineral and organic material, of whatever origin, that overlies bedrock and can be readily excavated.

"SOIL PERCOLATION TEST." A test designed to determine the ability of ground to absorb water, and used in determining the suitability of a soil for drainage or for the use of a septic system.

"SPECIAL EXCEPTION." A variance to a regulation, granted by the Board of Zoning Appeals, for a change in use on a given piece of property.

"SPECIAL USE." A use of property in a zoning district as

designated in § 150.19 of this code.

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"SPOT ZONING." Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the comprehensive zoning plan.

"STADIUM." A large open or enclosed place used for games and major events, partly or completely surrounded by tiers of seats for spectators.

"STAFF." As referred to in IC 36-7-4-900 et seq., shall mean and refer to a group consisting of the following members: the City Building Commissioner, the City Planner, the City Engineer, the City Attorney, and their respective assistants or designees.

"STALL, PARKING." The parking space in which vehicles park.

"STORM SEWER." A conduit that collects and transports runoff.

"STORMWATER DETENTION." Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

"STORY." That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and including those basements fused for the principal use.

"STORY, HALF." A space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level, and in which space the possible floor area with head room of five feet or less occupies at least 40% of the total floor area of the story directly beneath.

"STREAM." A watercourse having a source and a terminus, banks, and channel through which waters flow at least periodically.

"STREET." Any vehicular way which is an existing state, county, or municipal roadway; or is shown upon a plat approved pursuant to law; or is approved by other official action.

"STREET, COLLECTOR." A street which collects traffic from local streets and connects with minor and major arterials.

"STREET, CUL-DE-SAC." A street with a single, common ingress and egress, and with a turnaround at the end.

"STREET, DEAD END." A street with a single common ingress and egress.

"STREET LINE." The right-of-way line of a street.

"STREET, LOCAL." A street designed to provide vehicular access to abutting property and to discourage through traffic.

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"STREET, LOOP." A local street which has its only ingress and egress at two points of the same collector street.

"STREET, MAJOR ARTERIAL." A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

"STREET, MINOR ARTERIAL." A street with signals at important intersections and stop signs on side streets, and which collects and distributes traffic to and from collector streets.

"STRUCTURAL ALTERATION." Any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

"STRUCTURE." A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

"STUDIO." A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

"SUBDIVIDER." Any person who undertakes the subdivision of land. A subdivider may be the owner or authorized agent of the owner of the land to be subdivided.

"SUBDIVISION."

(A) The division of a parcel of land into lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms or conditions, including resubdivision, subdivision includes the division of development of land zoned for residential and nonresidential uses whether by deed, metes, and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

(B) Exempt Divisions - the following parcels are exempt from the definition of "subdivision" as found in § 150.02(A):

(1) Division of land for agriculture purposes only;

(2) Division of land into 20 acre parcel or more for single family residential use, provided parcel meets the minimum lot frontage requirement and not involving any new street or easement of access.

(3) Parcels and lots of record prior to adoption of Ordinance 766 passed 12-2-68.

"SUPPLY YARD." A fenced yard for the open or enclosed storage of supplies, equipment, or merchandise.

"SURFACE HYDROLOGY." The properties, distribution, and circulation of water and snow for a given area.

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"SWALE." A depression in the ground which channels runoff.

"SWIMMING POOL." A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land; or an above surface pool, having a depth of more than 18 inches, designed, used and maintained for swimming or bathing.

"SWIMMING POOL, PUBLIC." A swimming pool and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a private party for gain, or by a municipality or other entity for the general public, whether or not an admission fee is charged and whether or not for profit.

"TATTOO PARLOR/BODY-PIERCING STUDIO." An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or both of the following: (1) the placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

"TATTOOING." Any method (other than branding) of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or in scars or scarring.

"TAVERN, LOUNGE, OR BAR." A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

"TAX IMPACT STUDY." A study which examines the impact of a particular project on the community in terms of needed additional services and tax benefits and costs.

"TEMPORARY CERTIFICATE OF OCCUPANCY." A certificate of occupancy which is issued for a fixed time period to allow occupancy, because seasonal conditions make it impossible to complete all needed external improvements.

"TEMPORARY STRUCTURE." A structure without any foundation or footings, and which is removed when the designated time period, activity, or use, for which the temporary structure was erected, has ceased.

"TENANT." An occupant of land or premises who occupies, uses, or enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

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"THEATER." A building, or part of a building, devoted to showing motion pictures, or dramatic, musical, or live performances.

"THOROUGHFARE SYSTEM." The collection of streets, traffic control devices, and intersections which make up a city's road system.

"TOPOGRAPHIC MAP." A map of a portion of the earth's surface showing its topography.

"TOPOGRAPHY." The configurations of a surface area showing relative elevations.

"TOWNHOUSE." A type of multi-family dwelling one or two stories in height. Typically, the living room, dining room, and kitchen are on the ground floor with sleeping rooms on the second floor. Dwelling units typically have a common side wall and are owner-occupied.

"TOXIC POLLUTANTS." A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in those organisms of their offspring.

"TRAILER." A vehicle without motive power, used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which may be equipped with wheels or other devices for transporting the structure from place to place. The term "TRAILER" shall include "CAMP CAR" and "HOUSE CAR".

"TRANSITION ZONE." A zone permitting transitional uses.

"TRANSITIONAL USE." A land use of an intermediate intensity between a more intensive and a less intensive use.

"TRAVEL TRAILER." A recreational vehicle that is towed by a car or a truck.

"TRUCK AND RAILROAD TERMINALS."

(1) A place where transfer between modes of transportation takes place.

(2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

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"UNIFIED CONTROL." The combination of two or more tracts of land, wherein each owner has agreed that his tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.

"USE." The purposes for which land or a building thereon is designed, arranged, or intended; or for which it is occupied, maintained, let, or leased under single ownership or control.

"USE, LAWFUL." The use of any structure or land that conforms with all of the regulations or this code or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements that exist at the time of the enactment of this code or any amendment thereto.

"USE, NONCONFORMING." See "NONCONFORMING USE."

"VALUE." For the purpose of this code, valuation of a building shall be the assessed valuation, or where no assessed valuation exists, its appraised valuation as converted to assessed valuation.

"VARIANCE." Permission to depart from the literal requirements of the zoning code.

"VARIANCE FROM DEVELOPMENT STANDARDS" or "AREA VARIANCE." A variance which authorizes deviations from restrictions upon construction and placement of buildings and structures, or a variance that involves such matters as setback lines, frontage requirements, height limitations, lot size restrictions, density regulations, and yard requirements.

"VARIANCE OF USE" or "USE VARIANCE." A variance which authorizes a use of land other than permitted in a particular district by ordinance or a variance that changes the character of the zoned district by permitting an other wise prescribed use.

"VEHICLE, MOTOR." A self-propelled device used for transportation of people or goods over land surfaces, and licensed as a motor vehicle.

"VEHICLE SALES LOT." A zoning lot on which cars, trailers, or trucks are displayed for sale or trade outside of buildings.

"VETERINARY HOSPITAL." A structure designed for the care and treatment of animals.

"VOCATIONAL SCHOOL." A secondary or higher education facility, primarily teaching usable skills that prepare students for jobs in a trade; meeting applicable state requirements as a vocational

facility.

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"WAREHOUSE." A building primarily used for the storage of goods and materials.

"WATER SUPPLY SYSTEM." The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

"WETLANDS." Swamps or marshes, especially as areas preserved for wildlife.

"WHOLESALE TRADE." Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

"YARD." An open space that lies between the principal or accessory building or buildings and the nearest lot line. A yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in the zoning code.

"YARD DEPTH." The shortest distance between the zoning lot line and a yard line.

"YARD, FRONT." A space extending between the front yard line and the front zoning lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the code.

"YARD LINE." A line drawn parallel to a zoning lot line at a distance therefrom equal to the depth of the required yard.

"YARD, REAR." A space extending between the rear yard line and the rear zoning lot line. The "REAR YARD" is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the code.

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"YARD, REQUIRED." The open space between a zoning lot line and the yard line within which no structure shall be located except as provided in the zoning code.

"YARD, SIDE." A space extending from the front yard to the rear yard between the side yard line and the side zoning lot line. The "SIDE YARD" is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this code.

"ZERO LOT LINE." The location of a building in such a manner that one or more of the building's sides rest directly on a lot line.

"ZONE." A specifically delineated area or district in a municipality, within which regulations and requirements uniformly govern the use, placement, spacing, and size of lots and buildings.

"ZONING." The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

"ZONING ENVELOPE." The three-dimensional space within which a structure is permitted to be built on a lot, which is defined by maximum height regulations, yard setbacks, and sky exposure plane regulations.

"ZONING LOT." A parcel of land, composed of one or more recorded lots or a parcel of land described by metes and bounds, that is of sufficient size to meet the minimum requirements of this code concerning use, coverage, width, area, yards, or other requirements of this code, and having frontage on an improved public street, which is designated by its owner or developer as a tract of land to be used, developed, or built upon as a unit, under single ownership or control. A "ZONING LOT" may or may not coincide with the definition of a "LOT OF RECORD".

"ZONING LOT AREA." The total area within the zoning lot lines of a zoning lot, excluding any street right-of-way.

"ZONING LOT COVERAGE." That portion of the zoning lot that is covered by buildings and structures.

"ZONING LOT DEPTH." The distance measured from the front zoning lot line to the rear zoning lot line.

"ZONING LOT FRONTAGE." The length of the front zoning lot line measured at the street right-of-way line.

"ZONING LOT LINE." A property line of record bounding a zoning lot, which divides one zoning lot from another zoning lot or from a

public or private street or any other public space.

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"ZONING LOT LINE, FRONT." The zoning lot line separating a zoning lot from a street right-of-way.

"ZONING LOT LINE, REAR." The zoning lot line opposite and most distant from the front zoning lot line, or in the case of triangular or otherwise irregularly shaped zoning lots, a line ten feet in length entirely within the zoning lot, parallel to and at a maximum distance from the front zoning lot line.

"ZONING LOT LINE, SIDE." Any zoning lot line other than a front or rear zoning lot line.

"ZONING LOT, MINIMUM AREA OF." The smallest zoning lot area established by the zoning code on which a single use or a single structure or single building may be located in a particular district.

"ZONING LOT WIDTH." The horizontal distance between the side lines of a zoning lot, measured at right angles to its depth along a straight line located at or tangent to the minimum required building setback line.

"ZONING MAP." The map or maps which are part of the zoning ordinance, and which delineate the boundaries of a zoning district. (Ord. 799, passed 12-18-70; Am. Ord. 902, passed 4-7-75; Am. Ord. 930, passed 5-3-76; Am. Ord. 1027, passed 6-5-78; Am. Ord. 1273, passed 6-20-83; Am. Ord. 1768, passed 9-25-95; Am. Ord. 1862, passed 10-6-97; Am. Ord. 1924, passed 12-7-98; Am. Ord. 2001-03-02, passed 3-5-01; Am. Ord. 2002-05-19, passed 5-2-02; Am. Ord. 2002-09-50, passed 10-7-02)

§ 150.03 AUTHORITY.

This chapter is adopted pursuant to IC 36-7-4-100 et seq., and all acts supplemental and amendatory thereto. (Ord. 799, passed 12-18-70)

§ 150.04 COMPLIANCE.

No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this chapter and after the lawful issuances of the permits required by this chapter. (Ord. 799, passed 12-18-70)

§ 150.05 JURISDICTIONAL AREA.

This chapter shall apply to all incorporated land within the city as shown on the zone map on file with the city clerk- treasurer.

(Ord. 799, passed 12-18-70)

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§ 150.06 APPLICATION.

It is not intended by this chapter to interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties, nor is it intended by this chapter to repeal, abrogate, annul, or in any way interfere with any rules, regulations, or permits previously adopted or issued pursuant to law relating to the uses of buildings or premises, provided that where this chapter imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this chapter shall control; but where such private covenants, permits, agreements, rules, or regulations impose a greater restriction than is imposed by this chapter, the greater restriction shall control. (Ord. 799, passed 12-18-70)

§ 150.07 ANNEXATION.

All territory which may be hereafter annexed to the city shall automatically, upon annexation, acquire the R-1 Residential District classification and shall remain so zoned until otherwise classified by amendment to this chapter, in accordance with §§ 150.70 through 150.73. (Ord. 799, passed 12-18-70)

DISTRICT REGULATIONS

§ 150.10 ZONE MAP.

A map entitled "Crown Point Zone Map" is adopted as part of this chapter. The zone map shall be kept on file and available for examination at the office of the city clerk-treasurer. (Ord. 799, passed 12-18-70)

§ 150.11 ZONING DISTRICTS.

The city is divided into the districts stated in this chapter, as shown by the district boundaries on the zone map. The districts are:

"A-1"	Agricultural	"R-3"	Residential	"HS-1"	Highway Service
"C-1"	Conservation	"B-1"	Business	"I-1"	Industrial
"R-1"	Residential	"B-2"	Business	"OS-1"	Office Service
"R-2"	Residential	"B-3"	Business		

(Ord. 799, passed 12-18-70; amend. Ord. 891, passed 8-26-74; Am. Ord. 1768, passed 9-25-95)

§ 150.12 DISTRICT BOUNDARIES.

District boundaries shown within the lines of streets, streams, and transportation rights-of-way shall be deemed to follow their center lines. The vacation of streets shall not affect the location of district boundaries. When the building commissioner cannot definitely determine the location of a district boundary by center lines
by the scale or dimensions stated on the zone map, or by the fact that it clearly coincides with a property line, he shall

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refuse action, and the board of zoning appeals, upon appeal, shall interpret the location of the district boundary with reference to the scale of the zone map and the purposes set forth in all relevant provisions of this chapter.

(Ord. 799, passed 12-18-70)

§ 150.13 CONSERVATION DISTRICT.

The district designated for conservation, "C-1," is limited to agricultural, recreational and certain other open land uses. Residential and related uses are permitted if approved by the board of zoning appeals. The purpose of this district is to prevent intensive development of land that is unsuitable for development because of topography, soil conditions, periodic flooding, or other natural features.

(Ord. 799, passed 12-18-70)

§ 150.135 AGRICULTURAL DISTRICT.

The agricultural districts are those open areas of the city where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately out-weigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the area and nation.

(Ord. 1768, passed 9-25-95)

§ 150.14 RESIDENTIAL DISTRICTS.

(A) Districts designated for residential use, "R-1," "R-2," and "R-3," are limited to dwellings and public or semi-public uses which are normally associated with residential neighborhoods. The only uses permitted in the residential districts are those which would not detract from the residential character of the neighborhood. The purpose of these 3 districts is to create an attractive, stable, and orderly residential environment. However, the families per dwelling and the lot and yard requirements are different in the 3 districts to provide for the various housing needs and desires of the citizens.

(B) There shall be no more than one principal structure on any residential zoning lot.

(Ord. 799, passed 12-18-70; amend. Ord. 930, passed 5-3-76)

§ 150.15 OFFICE SERVICE DISTRICTS.

The OS-1 office service districts are designed to accommodate uses such as offices, banks and personal services which can serve as

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transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts.

(Ord. 891, passed 8-26-74)

§ 150.16 BUSINESS DISTRICTS.

The districts designated for business, "B-1," "B-2" and "B-3," are limited to business, public and certain residential uses. By establishing compact districts for such uses, more efficient traffic movement, parking facilities, fire protection and police protection may be provided. Industrial uses are excluded in order to reduce the hazards caused by extensive truck and rail movements normally associated with such uses. The purpose of these districts is to provide unified shopping districts conveniently located.

(Ord. 799, passed 12-18-70)

§ 150.17 INDUSTRIAL DISTRICT.

The district designated for industry, "I-1," provides suitable space for existing industries and their expansion as well as for future industrial development. Performance standards, parking specifications, and yard regulations are set forth in this chapter in order to insure safe industrial development that is compatible with adjacent uses. The locations of the district are near railroads or highways in order to meet the transportation needs of industry. This light industrial district provides space for industries which do not cause conditions that would be objectionable to neighboring properties.

(Ord. 799, passed 12-18-70)

§ 150.175 HIGHWAY SERVICE BUSINESS DISTRICT.

This district is intended to accommodate those commercial uses which are directly automobile-oriented and must, by necessity, be located on major regional highways or at the intersections of these highways and expressways. Certain uses which would interfere with the operation of these business activities and the purpose of this district have been excluded.

(Ord. 1768, passed 9-25-95)

§ 150.18 PERMITTED USES.

The permitted uses for each district are shown on Table A following § 150.19. The uses that are listed for the various districts shall be according to the common meaning of the term or according to definitions given in § 150.02. Uses not specifically listed or defined to be included in the categories under §§ 150.10 through 150.23 shall not be permitted.

(Ord. 799, passed 12-18-70)

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§ 150.19 SPECIAL USES.

The special uses for each district that may be permitted by ordinance are listed in Table A.

(A) Purpose. The formulation and enactment of a comprehensive zoning code is based on the division of the entire city into districts, in each of which are permitted specified uses that are mutually compatible. In addition to such permitted, compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district but which on account of their potential impact upon neighboring uses or public facilities need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this section as "special uses" and fall into 2 categories:

(1) Uses either municipally operated or operated by publicly regulated utilities, or uses traditionally affected by public interest; and

(2) Uses entirely private in character which on account of their peculiar locational need or the nature of the service they offer to the public may have to be established in a district or districts in which they cannot be reasonably allowed as a permitted use under the zoning regulations.

(B) Application. An application for special use shall be filed with the Advisory Board of Zoning Appeals ("the Board") through the City Planner's office, upon such forms and accompanied by such information as shall be established from time to time by the Planning Department.

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(C) Qualifications. No special use shall be recommended to the City Council unless:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

(3) The need for the variance arises from some condition peculiar to the property involved;

(4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

(5) The approval does not interfere substantially with the comprehensive plan.

(D) Conditions. In the event the Board recommends a special use, it may impose reasonable conditions and restrictions upon the construction, location, operation and time limit in which construction must commence, including but not limited to provisions for off-street parking, loading, unloading, and as shall be necessary to secure the general objectives of this chapter and to reduce injury to the value of neighboring property.

(Ord. 799, passed 12-18-70; Am. Ord. 1432, passed 11-2-87; Am. Ord. 2002-05-19, passed 5-2-02)

TABLE A.

<u>PERMITTED USES</u>	<u>SPECIAL USES</u>
<u>C-1 Conservation District</u>	
1. Agriculture 2. Public parks and playgrounds 3. Game preserves 4. Essential services 5. Accessory uses	1. Single-family dwellings 2. Riding stables 3. Churches 4. Swimming pools 5. Cemeteries 6. Golf courses 7. Water and sewage treatment plants 8. Commercial recreation 9. Communication tower

<u>PERMITTED USES</u>	<u>SPECIAL USES</u>
<u>A-1 Agricultural District</u>	
<ol style="list-style-type: none"> 1. Agriculture 2. Farm dwellings 3. Green houses or nurseries 4. Cemeteries 5. Wildlife reserves 6. Essential services 7. Accessory uses 	<ol style="list-style-type: none"> 1. Non-farm single-family dwellings 2. Riding stables 3. Churches 4. Golf courses 5. Markets for sale of products grown on premises 6. Hunting preserves 7. Animal feedlots and piggeries 8. Earth removal or extraction businesses 9. Commercial recreation 10. Communication tower
<u>R-1 Residential District</u>	
<ol style="list-style-type: none"> 1. Single-family dwelling 2. Public and parochial schools 3. Public parks and playgrounds 4. Churches 5. Essential services 6. Accessory uses 	<ol style="list-style-type: none"> 1. Planned developments, residential 2. Nursery schools and day schools 3. Privately owned parks and playgrounds 4. Hospitals and clinics 5. Public utility buildings 6. Swimming pools 7. Fire stations 8. Municipal buildings and libraries 9. Private clubs 10. Parking lots 11. Agriculture 12. Home occupations 13. Cemeteries 14. Water and sewage treatment plants 15. Nursing homes
<u>R-2 Residential District</u>	
<ol style="list-style-type: none"> 1. Single-family dwellings 2. Public and parochial schools 3. Churches 4. Public parks and playgrounds 5. Essential services 6. Accessory uses 	<ol style="list-style-type: none"> 1. Two-family dwellings 2. Planned developments, residential 3. Nursery schools 4. Hospitals and clinics 5. Public utility buildings

<u>PERMITTED USES</u>	<u>SPECIAL USES</u>
	6. Swimming pools 7. Fire stations 8. Municipal buildings and libraries 9. Nursing homes 10. Private clubs 11. Parking lots 12. Home occupations 13. Funeral homes 14. College buildings and grounds 15. Fraternity houses 16. Boarding house 17. Bed and breakfast
<u>R-3 Residential District</u>	
1. Single-family dwellings 2. Public and parochial schools 3. Churches 4. Public parks and playgrounds 5. Parking lots 6. Essential services 7. Accessory uses	1. Two-family dwellings 2. Multi-family dwellings 3. Nursing schools 4. Hospitals and clinics 5. Public utility buildings 6. Swimming pools 7. Fire stations 8. Municipal buildings and libraries 9. Nursing homes 10. Private clubs 11. Home occupations 12. Funeral homes 13. Mobile home parks 14. College buildings and grounds 15. Fraternity houses 16. Boarding houses 17. Bed and breakfast
<u>B-1 Business District</u>	
1. Retail businesses 2. Eating and drinking establishments 3. Offices and banks 4. Personal and professional services 5. Fire stations and municipal buildings 6. Public lots and playgrounds 7. Parking lots	1. Research laboratories 2. Theaters 3. Two-family or multiple-family dwellings 4. Single-family dwellings 5. Automobile sales, service, and repair 6. Wholesale businesses 7. Hotels and motels 8. Commercial schools

<u>PERMITTED USES</u>	<u>SPECIAL USES</u>
<u>B-1 Business District (Cont'd)</u>	
8. Essential services 9. Accessory uses	9. Commercial recreation 10. Public utility buildings 11. Printing shops 12. Churches 13. Schools, public and parochial 14. Cleaning and laundry plants 15. Private clubs 16. Public transportation terminals 17. Communication towers 18. Bed and breakfast
<u>B-2 Business District</u>	
1. Retail businesses 2. Eating and drinking establishments that do not serve alcoholic beverages 3. Offices and banks 4. Personal and professional services 5. Fire station and municipal buildings 6. Public parks and playgrounds 7. Parking lots 8. Essential services 9. Accessory uses	1. Single-family dwellings 2. Two-family or multiple-family dwelling 3. Automobile sales, service and repairs 4. Hotels and motels 5. Public utility buildings 6. Churches 7. Schools, public and parochial 8. Private clubs 9. Fast food restaurants 10. Communication towers 11. Bed and breakfast 12. Tavern, lounge or bar 13. Eating and drinking establishments that serve alcoholic beverages
<u>B-3 Business District</u>	
1. Retail businesses 2. Eating and drinking establishments that do not serve alcoholic beverages 3. Offices and banks 4. Personal and professional services 5. Fire stations and municipal 6. Public utility buildings 7. Parking lots	1. Theaters 2. Supply yards 3. Commercial recreation 4. Dairies 5. Single-family dwellings 6. Two-family or multiple-family dwellings 7. Wholesale businesses 8. Printing shops 9. Warehouses

<u>PERMITTED USES</u>	<u>SPECIAL USES</u>
<u>B-3 Business District (Cont'd)</u>	
8. Parking parks and playgrounds 9. Accessory uses 10. Essential services 11. Automobile sales, service and repair 12. Motels and hotels and repair 13. Cleaning and laundry plants 14. Private clubs 15. Drive-in restaurants 16. Veterinary hospital 17. Bed and breakfast	10. Commercial schools 11. Churches 12. Schools, public and parochial 13. Hospitals and clinics 14. Funeral homes 15. Farm implement sales, service and repair 16. Mobile home parks 17. Public transportation terminals 18. Mobile home sales 19. Fast food restaurants 20. Communication towers 21. Tavern, lounge or bar 22. Eating and drinking establishments that serve alcoholic beverages
<u>I-1 Industrial District</u>	
1. Research and testing laboratories 2. Offices 3. Warehouses 4. Parking lots 5. Light manufacturing 6. Essential services 7. Accessory uses 8. Wholesale businesses 9. Public utility buildings 10. Automobile/motorcycle sales, service and repair 11. Repair garage 12. Tattoo parlor/body piercing studio	1. Motels 2. Restaurants 3. Truck and railroad terminals 4. Supply yards 5. Agriculture 6. Fire stations and municipal buildings 7. Water and sewage treatment plant 8. General manufacturing 9. Grain manufacturing 10. Stockyards and slaughter houses 11. Airports 12. Mineral excavation 13. Junkyards 14. Bulk fuel storage 15. Concrete mixing 16. Manufacturing and processing of explosive materials 17. Roller rinks

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<u>PERMITTED USES</u>	<u>SPECIAL USES</u>
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<u>I-1 Industrial District (Cont'd)</u>	
	18. Communication towers 19. Tavern, lounge or bar 20. Eating and drinking establishments that serve alcoholic beverages
<u>OS-1 Office Service District</u>	
1. Offices, businesses and professional 2. Medical offices 3. Medical clinics 4. Hospitals 5. Sanitariums 6. Convalescent homes 7. Banks 8. Credit unions 9. Savings and loan associations 10. Off-street parking 11. Churches 12. Other similar uses 13. Accessory uses	1. Pharmacies 2. Apothecaries 3. Optical services 4. Mortuary establishments 5. Public buildings 6. Telephone exchanges 7. Public utility offices 8. Lodging rooms and dwelling units (provided office service uses occupy the first floor of same building) 9. Communication towers
<u>HS-1 Highway Service Business District</u>	
1. Retail businesses 2. Eating and drinking establishments 3. Motels and hotels 4. Fast food or drive-in restaurants 5. Automobile sales, service and repair 6. Roller rinks 7. Offices and banks 8. Personal and professional services 9. Essential services	1. Theaters 2. Restaurants 3. Churches 4. Private clubs 5. Hospitals and clinics 6. Farm implement sales, service and repair 7. Truck terminals 8. Commercial recreation 9. Adult entertainment 10. Communication towers

(Ord. 799, passed 12-18-70; Am. Ord. 862, passed 9-4-73; Am. Ord. 891, passed 8-26-74; Am. Ord. 895, passed 10-7-74; Am. Ord. 924, passed 3-1-76; Am. Ord. 1027, passed 6-5-78; Am. Ord. 1768, passed 9-25-95; Am. Ord. 1862, passed 10-6-97; Am. Ord. 2001-03-02, passed 3-5-01; Am. Ord. 2002-09-50, passed 10-7-02; Am. Ord. 2004-03-02, passed 3-1-04; Am. Ord. 2004-03-07, passed 5-3-04)

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§ 150.95

§ 150.195 ADULT ENTERTAINMENT BUSINESSES; REGULATIONS.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or

requires a different meaning.

(1) "ADULT BOOKSTORE." An establishment having as a principal activity the sale of books, magazines, newspapers, video tapes, video discs, and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy.

(2) "ADULT ENTERTAINMENT BUSINESS." One or a combination of more than one of the following types of businesses: adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult personal service business, adult novelty business, and adult nightclub.

(3) "ADULT MINI-MOTION PICTURE THEATER." An enclosed building having as a principal activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons therein in individual viewing booths.

(4) "ADULT MOTION PICTURE THEATER." An enclosed building with a capacity of 50 or more persons having a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy for observation by patrons therein.

(5) "ADULT NIGHTCLUB." A business with the principal activity of providing entertainment by nude or partially nude performers.

(6) "ADULT NOVELTY BUSINESS." A business which has as a principal activity the sale of devices to simulate human genitals or devices designed for sexual stimulation.

(7) "ADULT PERSONAL SERVICE BUSINESS." A business having as a principal activity a person of one sex, while nude or partially nude, providing personal services for a person of the other sex on an individual basis in a closed room. It includes, but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, or individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the state.

(8) "PARTIALLY NUDE." Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.

(9) "PRINCIPAL ACTIVITY." A use accounting for more than 20% of a business stock-in-trade, display space, floor space, live entertainment time or movie display time per year.

(B) Locations of adult entertainment business. An adult entertainment business may be located in the city only in accordance with the following restrictions:

(1) No such business shall be located on a parcel within 700 feet of a district which, pursuant to this section, has been

classified C-1, R-1, R-2, R-3, B-1, B-2, B-3, OS-1, or PUD.
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(2) Such business shall only be located in a district classified HS-1 Highway Service.

(3) No such business shall be established within 700 feet of another adult entertainment business.

(C) Use regulations.

(1) No person shall reside in or permit any person to reside in the premises of an adult entertainment business.

(2) No person shall operate an adult personal service business unless there is conspicuously posted in each room where such business is carried on a notice indicating the prices for all services performed by said business. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.

(3) No person operating an adult entertainment business shall permit it to be used for acts of prostitution or to be frequented by known prostitutes who have been convicted of the act of prostitution within the last 24 months and any customers convicted of being customers of prostitutes within the last 24 months.

(4) No person shall operate an adult personal service business without obtaining a current code compliance license. Such licenses shall be issued by the City Clerk's office following an inspection to determine compliance with the ordinances of the city and upon payment of a license fee of \$100.

(5) No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.

(6) No person shall become the lessee or sublessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use.

(7) No lessee or sublessee of any property shall convert that property from any other use to an adult entertainment business without the express written permission of the owner of the property for such use.

(Ord. 1768, passed 9-25-95) Penalty, see § 150.99

§ 150.20 LOT AND YARD REQUIREMENTS.

(A) The minimum lot area, minimum width of lot, minimum depth of front yard, minimum width of each side yard, and minimum depth of rear yard for each district shall be as shown on the following table:

District	Minimum Lot Area	Minimum Lot Area Per Family	Minimum Lot Width	Minimum Depth Front	*Minimum Width Side	*Minimum Depth Rear
	Sq. Feet	Sq. Feet	Feet	Feet	Feet	Feet
C-1	80,000	80,000	200	50	20	20
A-1	10 acres	10 acres	330	50	20	20
R-1	10,000**	5,000	80	30	****	20
R-2	7,200**	3,500	60	30	5***	20
R-3	6,000**	3,000	50	30	5***	20
B-1	3,000**	3,500	30	0	0	0
B-2	7,200**	3,500	100	15	8	10
B-3	10,000**	5,000	100	35	10	10
HS-1	20,000**	N/A	100	35	10	10
I-1	20,000**	N/A	100	30	20	20
OS-1	9,500**	5,000	75	30	10	20

*Principal structures

**The minimum lot area shall be 43,560 square feet if the lot is not served by a community sanitary sewer system approved by the state board of health.

***The minimum width of the side yard requirements shall be 5 feet on one side and 10 feet on the other side if the residential structure does not have an attached garage.

****The minimum width of the side yards shall be 5 feet on one side and 10 feet on the other side.

(B) Lots which abut on more than one thoroughfare shall provide the required front yards along every thoroughfare, except alleys.

(C) No portion of a principal structure, including attached garages, porches, carports, or balconies, shall project into any minimum front, side or rear yard. Accessory structures may not be located closer than 5 feet to the side and rear property lines.

(D) Any lot of record existing in a residential district at the effective date of this chapter and then held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this chapter.

(E) In any residential district where at least 25% of the lots in a block are occupied by existing residential structures, the minimum depth of a front yard may be the average of the depths of the front yards of the existing residential structures.

(Ord. 799, passed 12-18-70; amend, Ord. 891, passed 8-26-74; Am. Ord. 1768, passed 9-25-95; Am. Ord. 1963, passed 11-1-99)

§ 150.21 FLOOR AREA.

No residential dwelling unit shall be erected or altered so that its ground floor area is less than indicated below, exclusive of porches, terraces, garages, and exterior stairs. Mobile homes shall have a floor area of at least 500 square feet. All square foot floor areas of buildings shall be calculated on the dimensions of the perimeter walls.

Dwelling Unit

<u>Districts</u>	<u>One Story</u>	<u>Two Family</u>		<u>Multi-Family</u>	
		<u>Over One Story</u>	<u>Dwelling</u>	<u>Dwelling</u>	
A-1	1200 sq. ft.	1000 sq. ft.			
R-1	1300 sq. ft.	1000 sq. ft.			600 sq. ft.
R-2	960 sq. ft.	800 sq. ft.	960 sq. ft.		600 sq. ft.
R-3	720 sq. ft.	672 sq. ft.	720 sq. ft.		600 sq. ft.
C-1	960 sq. ft.	800 sq. ft.			600 sq. ft.
B-1, B-2, B-3	720 sq. ft.	672 sq. ft.	720 sq. ft.		600 sq. ft.
OS-1	720 sq. ft.	672 sq. ft.	720 sq. ft.		600 sq. ft.

(Ord. 799, passed 12-18-70; amend. Ord. 891, passed 8-26-74; Am. Ord. 1768, passed 9-25-95)

§ 150.22 HEIGHT REGULATIONS.

Except in the B-1 district, no principal structure shall exceed 35 feet in height above the ground level and no accessory building shall exceed 16 feet in height above average ground level unless approved by the board of zoning appeals. In any district the board may authorize a variance to this height regulation if:

(A) All front and side yard depths are increased one foot for each additional foot of height; or

(B) The structure is any of the following and does not constitute a hazard to an established airport: church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery

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lofts, cooling towers, ornamental towers and spires, chimneys, silos, elevator bulkheads, smokestacks, conveyors, and flag poles.

(Ord. 799, passed 12-18-70; amend. Ord. 1862, passed 10-6-97)

§ 150.23 REQUIRED CONDITIONS OS-1 OFFICE SERVICE DISTRICT.

The following conditions are required for any use in this district:

(A) No interior advertising display shall be visible from exterior of the building.

(B) The outdoor storage of goods and material shall be prohibited.

(C) Warehousing or indoor storage of goods or material, beyond that normally incident to the permitted or special uses, shall be prohibited.

(D) Uses in this district shall be screened from adjacent residential uses at the side and rear lot lines of the OS-1 use with a decorative screen or hedge not more than 5 feet in height. The design of such decorative screen or hedge shall be approved by the plan commission.

(E) Any identification sign for uses in the office service district shall be flush-mounted on the principal structure, and if lighted, shall be indirectly lighted. No free-standing signs shall be permitted.

(Ord. 891, passed 8-26-74)

§ 150.24 REQUIRED CONDITIONS HS-1 HIGHWAY SERVICE BUSINESS DISTRICT.

The following conditions are required for any use in this district:

(A) The outdoor storage of goods and material shall be prohibited.

(B) Uses in this district shall be screened from adjacent residential districts at the side and rear lot lines of the HS-1 use with a decorative screen or hedge not more than five feet in height. The design of such decorative screen or hedge shall be approved by the Plan Commission.

(C) One deciduous or evergreen tree shall be planted and maintained for each 2,000 square feet of lot area which is site planned. Deciduous trees shall have a minimum caliper of 2-1/2 inches at six inches above the root ball. Evergreen trees shall be a

minimum of six feet in height above the root ball. Arrangement of trees in clusters or groupings is encouraged and must be shown on the approved site plan.

(Ord. 1768, passed 9-25-95) Penalty, see § 150.99

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§ 150.25 SITE DEVELOPMENT PLAN APPROVAL.

(A) The Plan Commission must approve or disapprove Site Development Plans in all Business, Industrial, Office Service and Highway Service Zoning Districts.

(B) Site Development Plan application and eight copies of plan and any supporting information shall be filed at the Planning Department 12 days prior to the scheduled Plan Commission meeting date on city application forms and accompanied by fee (\$ 150.52). It shall be the responsibility of the petitioner to deliver two copies of the plan to utility companies, Soil Conservation Service, County Health Department (if on septic system) and State Highway Department (if on a State Highway), and return comments to the Plan Commission Office.

(C) Development Plan requirements. All development plans shall be submitted measuring not more than 24 X 36 inches drawn to scale of not smaller than 50 ft. to the inch, the plan shall be certified by a site planner, engineer, land surveyor, or architect which shall include the following:

- (1) The proposed name of the development.
- (2) The name, address, and phone numbers of developer and/or owner.
- (3) Location map showing location within the city (Vicinity Map).
- (4) A map including date, scale, and point north.
- (5) Building setbacks, coverage, separation, height, scale, materials and style of all buildings.
- (6) Signage on all buildings and free standing signs.
- (7) All outdoor lighting, style, height, and location within the development.
- (8) The site layout of the development including the location, size, arrangement and parking capacity of area to be used for vehicular access, parking, loading and unloading, trash containment area, and their construction specifications.
- (9) The name of public way giving access to the development and locations, width and name of platted public ways, railroads, parks, utility easements and other public open space.

(10) The layout of proposed public ways, their names and widths, construction design and the widths of alleys, walkways and sidewalks.

(11) Traffic management, marginal access street (frontage roads) may be required if development is abutting a state or federal

highway. Marginal access roads shall be designed according to Chapter 151 of this code of ordinances.

(12) The location, size, and arrangement of areas to be devoted to planting lawns, trees, site-screening, and landscaping plan.

(13) The proposal for sewer, water, gas electricity, storm drainage, fire hydrant location.

(14) The contours with spot elevations of the finished grade and the directions of storm water runoff. Submit drainage calculations (if required), and flood hazard information.

(15) The layout of proposed lots with dimensions, utility and drainage easements, existing or proposed.

(16) Any outstanding legal matters, such as proposed covenants and lease agreements.

(17) Properties to be dedicated for public use and letter of commitment for their acceptance.

(D) Review of development plan, the Plan Commission shall review plan to determine if it is consistent with the comprehensive plan and meets all Zoning and Subdivision Ordinance requirements.

(E) The Plan Commission may impose reasonable conditions and may require the owner of real property to make written commitment as provided in I.C. 36-7-4-613.

(F) Written findings. The Plan Commission shall make written findings for each decision to approve or disapprove a development plan. The Plan Commission Attorney will prepare findings for adoption at the next scheduled meeting.

(G) Review by certiorari of decisions. The Plan Commission approval or disapproval of a development is a final decision of the commission that may be reviewed only as provided in I.C. 36-7-4-1016. (Ord. 1818, passed 10-7-96)

§ 150.26 REQUIREMENTS FOR COMMUNICATION TOWERS AND FACILITIES.

The purpose of these regulations is to control the location, construction, appearance, maintenance, and removal of communications towers and facilities.

(A) Definitions: "ANTENNA." An exterior apparatus designed for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic

communication.

(1) "COMMUNICATION ANTENNA." An antenna or array of part of a wide-area, communication system such as cellular telephone systems, pager systems or wireless computer networks, but excluding short-wave radio antennas operated primarily as a hobby.

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(2) "DIRECTIONAL ANTENNA." An antenna or array of antennas, including panels, microwave dishes and satellite dishes, designed to concentrate a radio signal in a particular direction.

(3) "OMNI-DIRECTIONAL ANTENNA." An antenna that transmits signals in 360 degrees. Such as a whip antenna.

(4) "SATELLITE DISH ANTENNA." A dish-shaped antenna used to receive signals transmitted from satellites. Large satellite dish antennas are those where the maximum diameter of the dish is greater than 36 inches. Small satellite dish antennas are those where the maximum diameter of the dish is 36 inches or less in diameter

(B) "ARCHITECTURALLY DESIGNED TOWER." A tower which is designed and constructed in such a manner that the tower appears to be an integral part or element of another permitted structure on the site, such as a church tower, bell tower, etc.

(C) "COMMUNICATION TOWER." A ground-mounted guyed, monopole or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital microwave, cellular, telephone or similar forms of electronic communication.

(1) "MONOPOLE TOWER." A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

(2) "LATTICE TOWER." A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

(D) Zoning districts – where permitted. The location of communication towers and facilities may be permitted upon approval of a special use by the Board of Zoning Appeals and City Council as provided in Table A found in § 150.19.

FACILITY TYPE

Communication Towers			
Zoning District	Antennas on Existing Structures	Architecturally Designed Tower	Freestanding Tower
C-1	1	Special Use	Special Use
A-1	1	Special Use	Special Use
R-1, R-2, R-3	1	Not Permitted	Not Permitted
OS, B-1, B-2, B-3	1	Special Use	Special Use

Highway Service	1	Special Use	Special Use
I-1	1	Special Use	Special Use
PUD	1	**Not Permitted	Not Permitted

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1. Permitted on buildings and structures 2 stories in height or greater. Allowed on buildings less than 2 stories in height when architecturally compatible to the building architecture. The mast supporting the antenna may extend up to ten (10) feet above the roof line. In residential districts the existing structure must be on property developed with a non-residential use.

* Towers must be designed as an architecturally compatible element to an existing non-residential use such as schools, churches, etc. and communication antennas mounted on existing non-residential structures.

** Must be approved as part of P.U.D. Plan.

Special Use: permitted by right provided the tower or antenna conforms to all city, state and federal standards.

(E) Application for communication tower. Applications for special use permits to construct communication towers and related facilities shall include, as a minimum, the following information:

(1) Site plan.

(2) A report from a licensed professional engineer which describes the tower's capacity, including the number and type of antennas it can accommodate.

(3) A study comparing all potential host sites within an approximate one-half mile radius of the subject site. Potential sites shall include existing buildings and towers in excess of 100 feet and properties where towers are permitted. The Board of Zoning Appeals may require the review of additional sites pending review of the initial study. The study shall include a description of the surrounding sites, a discussion of the ability or inability of the site/tower to host a communications facility and the reasons why the site/tower was excluded from consideration. The applicant must demonstrate to the Board satisfaction that the alternative site or tower is not available due to one or more of the following reason:

(a) Unwillingness of the owner to entertain a communications facility proposal.

(b) Topographic limitations of the site.

(c) Adjacent impediments that would obstruct adequate communication tower transmission.

(d) Physical site constraints that would preclude the construction of a communication tower.

(e) Technical limitation of the system.

(f) The planned equipment would exceed the structural capacity of existing and approved towers and facilities, considering existing a planned use for those facilities.

(g) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented.

(h) Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably.

(i) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(4) A signed statement from the applicant indicating their intention to share space on the tower with other providers.

(5) A copy of the lease between the applicant and the landowner. The lease is encouraged to contain the following provisions:

(a) The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.

(a) The landowner shall be responsible for the removal of the communications tower or facility in the event the lessee fails to remove it upon abandonment.

(F) Development standards.

(1) Height. The maximum height which may be approved for a communication tower is 150 feet. However, if a tower is designed and constructed to accommodate more than one antenna, the height may be increased up to 200 feet. A lighting rod, not to exceed 10 feet, shall not be included within the height limitations. All new towers in excess of 100 feet shall be designed to accommodate at least two additional providers. The location of additional antenna on a legally existing tower shall require additional approval from the Board of Zoning Appeals and Council.

(2) Tower color. All towers shall maintain a galvanized finish unless otherwise approved by the Board of Zoning Appeals and Council.

(3) Tower design. All communication towers shall be encourage to be of a monopole design unless recommended by the Board of Zoning Appeals and required by the City Council to be architecturally compatible to the surrounding development.

(4) Setbacks. Towers shall be set back from the property line a minimum of two-thirds the height of the tower for a monopole tower and a minimum setback equal to the height of guyed or lattice towers. Accessory buildings shall meet the setbacks of the zoning district in

which they are located.

(5) Advertising device. No advertising devices permitted on tower such as logos, banners, flags.

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(6) Separation requirements. All communication towers, except those designed as an architecturally compatible element in terms of material, design and height to the existing or proposed use of the property, shall comply with the following distance separation requirements:

MINIMUM DISTANCE BETWEEN TOWERS

Towers greater than 100' in height - 1,500'

Towers 100' or less in height - 1,000"

The Board of Zoning Appeals may recommend and the City Council shall have the ability to grant a deviation from the separation standards. In support of a deviation request from the separation standards, the applicant shall submit a technical study acceptable to the city which confirms that there are no other suitable sites available

(7) Parking areas and drives. All parking areas and drives associated with the communications tower shall comply with Zoning Ordinance requirements.

(8) Equipment storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the communication towers unless repairs to the tower are being made.

(9) Accessory uses.

(a) Accessory uses shall include only such buildings and facilities necessary for transmission functions and satellite ground stations associated with them, and shall not include broadcast studios, offices, vehicle storage area, nor other similar uses not necessary for the transmission function.

(b) All accessory buildings shall be constructed of building materials consistent with the primary use of the site and shall be subject to site plan or final development plan approval. Where there is no primary use other than the tower the building materials for the accessory building shall be subject to the review and recommendation of the Board of Zoning Appeals and approval of the City Council.

(10) Lighting. Communication towers shall only be illuminated as required by the Federal Communications Commission and/or the Federal Aviation Administration. Security lighting around the base of a tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights of way.

(11) Screening and landscaping. The base of the tower shall be densely landscaped from view to a height of a minimum of six feet. The materials of a security fence, including any proposed razor wire or other security wire, shall be subject to the recommendation of the Board of Zoning Appeals and City Council. A continuous landscaped area shall be provided around the perimeter of the accessory building and

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security fence. All plant materials shall include minimum height of six feet upon planting, a mixture of deciduous and coniferous planting materials. Drought tolerant plant materials are encouraged. Where the visual impact of the equipment building would be minimal, the landscaping requirement may be reduced or waived upon recommendation by the Board of Zoning Appeals and approval of the City Council.

(G) Security for maintenance or removal of antenna or tower. In order to ensure that the owner maintains or removes any antenna or tower as required by the following subsections, the owner shall provide the following to the city:

(1) Financial security in the form of a bond, letter of credit, or other financial security as required by the Board of Zoning Appeals and City Council.

(2) Right of access.

(H) Tower maintenance. To insure the structural integrity of towers, the owner of a tower shall insure that it is maintained in compliance with standards contained in the building code and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days the Building Inspector shall report the noncompliance to the Board of Public and Safety. Section 152.20 Unsafe Building Code. The Board of Works may then order the removed or repaired at the owner's expense and may draw upon the financial security to recover incurred costs.

(I) Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned. The property owner or tower owner shall notify the City Planning Department within 30 days, by certified mail in the event the communication tower is no longer in use or abandoned. The owner shall be notified by the Planning Director by certified mail, return receipt requested, of such determination and be given 15 days to respond. If the owner fails to respond or acknowledges that the tower or antenna has not operated for a continuous period of more than 12 months, the owner of such antenna or tower shall remove the same within 90 days of a receipt of notice from the Board of Public Works and Safety notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the Board of Public Works and Safety may remove such antenna or

tower at the owner's expense, \$ 152.20 Unsafe Building Code, and may draw upon the financial security to recover incurred costs. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
(Ord. 1862, passed 10-6-97)

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GENERAL REGULATIONS

§ 150.30 NON-CONFORMING USES.

The following provisions shall apply to all non-conforming uses.

(A) A non-conforming use may be continued but may not be extended, expanded, or changed unless to a conforming use, except as permitted by the board of zoning appeals in accordance with the provisions of this chapter.

(B) Any non-conforming structure damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before if such reconstruction is performed within 12 months of such casualty and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

(C) In the event that any non-conforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one year, or is abandoned for any period, such non-conforming use shall not be resumed, except with the approval of the board of zoning appeals.

(D) Any sign not conforming to the provisions of § 150.36 shall be removed within 10 years from the effective date of this chapter, or within 10 years from the date the sign becomes non-conforming whichever is later.

(Ord. 799, passed 12-18-70)

§ 150.31 ACCESSORY USES.

(A) Definitions. For the purpose of this section the following words and phrases shall have the meanings ascribed them respectively.

(1) "DOOR." A part of a fence that when open provides ingress and egress through the fence and when closed obstructs ingress and egress through the fence.

(2) "FENCE." A free-standing, artificially-constructed barrier, composed of any material or combination of materials (including, but not limited to, wood, metal, plastic, or other materials), including without limitation screens and walls, and hedges, shrubbery, or other vegetation, planted or erected to enclose, screen, or otherwise restrict ingress or egress to an area.

(3) "GATE." Interchangeable with the term "DOOR."

(4) "GRADE." The degree of rise or descent of a sloping

surface.

(5) "SAFETY POOL COVER." A cover over a swimming pool that provides a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool, and is mechanically operated by a key or key and switch such that the cover cannot be drawn, opened, or retracted without the use of

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a key, and which is capable of supporting a 400-pound imposed load upon the completely-drawn cover. The cover shall be installed with track, rollers, rails, guides, or other accessories necessary to accomplish these specifications; and shall bear an identification tag indicating the name of the manufacturer, the name of the installer, the installation date, and applicable safety standards.

(6) "SWIMMING POOL." Any artificial basin of water constructed, modified, or improved for wading, swimming, or diving. The term does not include artificial lakes.

(7) "SWIMMING POOL (IN GROUND)." Any swimming pool whose sides rest in partial or full contact with the earth.

(8) "SWIMMING POOL (NONPERMANENTLY INSTALLED)." Any swimming pool that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

(9) "SWIMMING POOL (ON GROUND)." Any swimming pool whose sides rest fully above the surrounding earth

(10) "SWIMMING POOL (PERMANENTLY INSTALLED)." Any swimming pool that is constructed in the ground or in a building in such a manner that the pool cannot be readily disassembled for storage.

(11) "SWIMMING POOL, RESIDENTIAL (FAMILY POOL)." Any constructed swimming pool, permanent or non-portable, which is intended for non-commercial use as a swimming pool by not more than two owner families and their guests.

(12) "REFUSE CONTAINMENT AREA." An area located on the exterior of a structure, which area is used, either primarily or incidentally, for the storage, temporarily or otherwise, of refuse.

(B) Swimming pools. A swimming pool, residential (family pool), a swimming pool (permanently installed), or a swimming pool (in ground) shall be permitted as an accessory use, provided the following conditions are met:

(1) Minimum yard requirements of the zoning lot in which the swimming pool is to be located, pursuant to § 150.20, shall be observed.

(2) Access thereto shall be restricted by one of the means described more fully in 675 IAC 20-4-27(c), which is adopted by reference.

(3) All gates and doors thereto shall be self-closing and latching, and capable of being locked.

(4) Local building and electrical permits, issued pursuant to Ch. 152, shall be required prior to the commencement of construction.

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(C) Residential fences. A fence shall be permitted as an accessory use in all residential zoning districts, except in floodways, provided the following conditions are met:

(1) A fence shall not exceed seven feet in height if located in a rear or side yard; however, when a lot has two front yards, such as a corner lot, a fence shall not be constructed within the required yard area or within the required building setback line.

(2) No fence shall be constructed of man-made materials in a front yard, except as otherwise provided in this section.

(3) A fence may be constructed on a side or a rear property line, provided that the property line does not lie in a parkway or in a street right-of-way.

(4) A fence composed of artificial materials shall be constructed of wooden, masonry, or metal building materials; and no fence shall be constructed of hazardous materials, or of or in conjunction with materials likely to cause injury, such as, without exclusion, barbed wire, broken glass, sharp objects, or electrically-charged wire.

(D) Business and industrial fences. A fence shall be permitted as an accessory use in business and industrial zoning districts, except in floodways, provided the following conditions are met:

(1) A fence may be constructed within side and rear yard property lines of a lot, provided that the height of the fence does not exceed eight feet, and provided that, if the fence is located on a corner lot, the fence shall not be constructed within a radius of 30 feet of the intersection of two street right-of-way lines.

(2) A fence composed of artificial materials shall be constructed of wooden, masonry, or metal building materials, and no fence shall be constructed of hazardous materials, or of or in conjunction with materials likely to cause injury, such as, without exclusion, barbed wire, broken glass, sharp objects, or electrically-charged wire; provided, however, that for security purposes a fence may have strung across its top one or more strands of barbed wire, but not above a height of two feet over the eight-foot height limitation of division (D)(1) above.

(3) A solid, opaque fence or a thick vegetative planting consisting of shrubs or hedges not less than five feet in height shall be required on and along rear or side yards of any improved business or industrially-zoned lot that abuts residentially-zoned land or a lot or other parcel of land used for residential purposes, except as may be approved by variance by the city's Advisory Board of Zoning Appeals.

(E) Required fences. In business and industrial zoning districts, a property owner shall erect and maintain a fence, not less than five feet in height, completely enclosing containers used for the collection of refuse, including, without exclusion, dumpsters, trash cans, wastebaskets, boxes, garbage bags, garbage containers, paper

bags, and plastic bags. The location of a refuse containment area shall meet minimum setback requirements of the zoning district.

(F) Garages and storage sheds. In residential zoning districts, detached garages and storage sheds, as defined in Ch. 150 and Ch. 152, are permitted as accessory uses in conjunction with the primary use or structure on a zoning lot, upon the following conditions:

(1) A detached garage shall not exceed 900 square feet in area, nor 16 feet in height, and shall meet minimum setback requirements.

(2) Storage sheds less than 121 square feet in area are exempt from zoning and building permits and accessory building may not be constructed in any drainage, sewer, water, or other utility easement and shall meet all requirements provided in § 150.20 for lot area and yard requirements.

(G) Yard storage. Storage of materials or equipment within a front yard setback of a lot within an industrial or business zoning district is prohibited.

(H) Garages, barns, storage sheds, silos and grain elevators in Agriculture Districts, are not restricted, if said structures are for agriculture uses on the land they are located; provided however, that all requirements of § 150.20 for lot area and yard requirements are met.

(I) Fences in agricultural zones may be located on property lines and the use of barb wire and electric wire is permitted, provided the fence does not exceed seven feet in height.

(Ord. 799, passed 12-18-70; Am. Ord. 1547, passed 4-1-91; Am. Ord. 1896, passed 6-1-98; Am. Ord. 2003-08-36, passed 7-7-03)

§ 150.32 OFF-STREET PARKING.

(A) Off-street parking spaces shall be provided in accordance with the specifications in this section in all districts, except the B-1 business district, whenever any new use is established or existing use is enlarged.

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Residential	2 per dwelling unit
Church and school	1 per 6 seats in principal assembly room
Hotels, motels, boarding houses and bed and breakfast establishments	1 for each living or sleeping unit

USE	PARKING SPACES REQUIRED
Private club or lodge	1 per 4 members
College residence hall or fraternity	1 per 4 occupants
Theater	1 per 4 seats
Hospitals and rest homes	1 per 3 beds and 1 for each 2 employees on maximum working shift
Professional offices, wholesale houses, and medical clinics	1 for every 250 square feet of floor space
Restaurants, cafeterias, taverns, bars and other eating or drinking establishments	1 space for every 2 patron seats
Restaurant(s) drive-in, through or pick-up food or drink service	1 space for every 2 patron seats plus 1 space for every 15 feet of customer waiting area
Shopping centers and any multiple use building	1 space for every 175 square feet of sales or office floor area (minimum of 5 spaces per unit)
Bowling alleys	5 for each alley
Recreational or assembly places; e.g., dance halls, night clubs; funeral homes	1 for every 100 square feet floor space
Industrial	1 for each 2 employees on the maximum working shift
Retail businesses	1 space for every 125 square feet of sales floor area plus 1 space for every 2 employees

(B) Minimum five car off-street parking lot required for each business or office located or provided for on the property.

(C) All off-street parking lots or driveways shall be constructed of concrete or asphalt (hot asphaltic concrete or hot asphaltic emulsion) all subject to the approval and satisfaction of the city engineer.

(D) All parking lots and driveways, in business, office, service, and residential uses over two units, and all non-residential uses,

shall be designed with curbs; curbing may be waived upon the approval of the site development plan by the Advisory Plan Commission or by approval of the Advisory Board of Zoning Appeals.

(E) Parking lots shall be properly striped with a minimum 9' x 18' spaces with a minimum 24 foot driveway aisle (15' one-way) between parking area designated handicapped parking shall be provided pursuant to all local, state and federal law and the requirements of the federal Americans with Disabilities Act of 1990 and all regulations promulgated thereunder.

(F) Parking lots, and all driveways providing access to parking lots, shall meet the minimum yard (setback) requirements of § 150.20(A).

(G) Parking lots and drives to shall have proper drainage pursuant to city standards and any other requirements deemed necessary by the City Engineer.

(H) Parking lots adjacent to a residential lot or residence shall be screened with minimum 5' high solid evergreen plantings; and/or a solid, opaque fence not less than 5' in height, as permitted and approved by the City Engineer.

(I) Parking lots for employees or storage areas for vehicles in an I-1 Industrial Zoned area, that are not accessible to the public, may be gravel only upon the approval of the Board of Zoning Appeals or by the Site Development Plan approved by the Plan Commission. The type(s), color(s) and grade of gravel utilized in such use shall be subject to the approval of the City Engineer.

(J) Parking lots may be located on a lot other than that containing the principal use as provided in a § 150.18 permitted use, as described in Table A, only upon the approval of a Special Use.

(K) All lighting used to illuminate any off-street parking lot shall be so arranged to reflect the light away from any adjoining residential zone or residential use.

(L) Parking spaces shall not be permitted in or on any road, street, parkway or alley right-of-way or easement.

(M) Parking lots are to be constructed on vacant parcels of property shall require a zoning permit and approval of the City Engineer; and, if required by ordinance, a Special Use approval.

(N) Fire Lanes, appropriately signed, marked and designated, as required by the Fire Chief or any state or local fire code shall be designated in every parking lot.

(O) No motor vehicle maintenance, repair work, or storage of any motorized vehicles or component part thereof, shall be permitted or conducted in any parking lot.

(Ord. 799, passed 12-18-70; Am. Ord. 1633A, passed 8-3-92; Am. Ord. 1808, passed 7-3-96; Am. Ord. 2002-09-50, passed 10-7-02)

§ 150.33 MOBILE HOME PARKS.

Mobile home parks, where permitted, shall be in accordance with the Mobile Home Parks Act of 1955, as amended; the Indiana State Board of Health Regulations, as amended; and the requirements of this section.

(A) The minimum area of a mobile home park shall be five acres.

(B) Each mobile home site within the mobile home park shall have a minimum area of 3,600 square feet.

(C) Each mobile home site shall have a minimum width of 40 feet.

(D) Not less than 10% of the gross area of the mobile home park shall be improved for recreational activities for the residents of the park.

(E) The mobile home park shall be appropriately landscaped and screened from adjacent properties.

(F) The mobile home park shall meet all applicable requirements of the subdivision control code, Chapter 151.

(G) Coin-operated laundries, laundry and dry-cleaning pick-up stations and other commercial convenience establishments may be permitted in mobile home parks provided:

(1) They are subordinate to the residential character of the park;

(2) They are located, designed and intended to serve only the needs of persons living in the park;

(3) The establishments and the parking areas related to their use shall not occupy more than 10% of the total area of the park; and

(4) The establishments shall present no visible evidence of their commercial nature to areas outside the park.

(H) Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or two concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock. (Ord. 799, passed 12-18-70)

§ 150.335 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS.

(A) Definition.

(1) For regulatory purposes, a "PLANNED UNIT DEVELOPMENT DISTRICT" shall be defined as land under unified control, planned and developed as a whole, in a single development operation or definitely programmed series of development operations including all land and buildings, for principal and accessory structures and uses substantially related to the character of the district, according to comprehensive and detailed plans which include not only streets, utilities, lot or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other; and with a program for provision, operation and maintenance of such areas, improvements, facilities and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated, or maintained at general expense.

(2) The application for the approval of planned unit development shall also be an application for a re-zoning to a "PLANNED UNIT DEVELOPMENT DISTRICT." The regulations for the district shall be those that are approved by the Common Council after proper processing and other approvals required herein. The use of the term "PLANNED UNIT DEVELOPMENT" or "PLANNED UNIT DEVELOPMENT PLAN" shall also mean "PLANNED UNIT DEVELOPMENT DISTRICT," when applicable.

(B) Statement of intent. The purpose of planned unit development district regulations is to encourage and allow for more creative and imaginative design for land development than is possible under conventional district regulations. The planned unit development district also provides for more efficient use of land

resulting in more economical land development, preservation of natural site qualities, better urban amenities, more open space, and a higher quality project are the normal results of the planned unit development process. The following objectives may be obtained through the use of a planned unit development district:

- (1) To permit a maximum choice in the types of environment available to the public, by allowing a development that would not be possible under the strict application of other sections of this chapter;
- (2) To promote a creative approach to the use of land and related physical facilities that results in better design and development with the inclusion of aesthetic amenities;
- (3) To combine and coordinate architectural styles, building forms, and building relationships with a possible mixing of different urban uses in an innovative design;
- (4) To encourage a pattern of development to preserve natural vegetation, topographic and geologic features, and environmentally appropriate features;
- (5) To provide for the prevention or control of soil erosion, surface flooding, and the preservation of subsurface water;
- (6) To create a method for the permanent preservation of common open space for the continued use and enjoyment of the residents of the development and the public at large, if appropriate;
- (7) To provide for more usable and suitably located recreation facilities, schools, and other public and private facilities;
- (8) To promote more efficient use of the land resulting in more economic networks of utilities, streets, and other facilities;
- (9) To encourage a method for the permanent preservation of architectural and historic landmarks;
- (10) To encourage a land use which promotes the public health, safety, and welfare.

(C) General requirements.

(1) Planned unit development districts shall be so located in relation to sanitary sewer, storm and drainage surface systems, and other utility systems and installations that neither extension nor enlargement of those systems will be required in a form, character, manner, location, degree, scale, or timing resulting in higher net public costs or earlier incursion of public costs than would developments in forms generally permitted under existing zoning for the area.

(2) Planned unit development districts shall be so located with respect to necessary public facilities as to have access in the same degree as would development permitted under existing zoning; and shall be so located, designed, and scaled that access for public services is equivalent to, and net cost for services is not greater than access for public services for development as permitted under existing zoning.

(D) Procedure.

(1) Pre-application conference. All applicants interested in seeking approval for a planned unit development district shall meet with the City Engineer and director of the proposed project to clarify any questions regarding the procedure and steps the applicant is to follow.

(2) Workshop session with Plan Commission. An informal presentation of the applicant's project for review by the Plan Commission in order to receive an initial Plan Commission reaction to the proposed plan is required.

(a) The developer will submit a brief written description of the proposed project, with a sketch-plan of the proposed project. An appropriate number of copies must be submitted to the Commission two weeks in advance of the proposed workshop.

(b) After receiving staff and Plan Commission comments, the developer may proceed to preliminary plan approval or schedule another workshop, if needed.

(3) Preliminary plan approval.

(a) Purpose. The purpose of preliminary plan approval is to obtain tentative approval or commitments from the city that the plans, design, and program that the developer intends to build and follow are acceptable, and that the developer can reasonably proceed into final detailed architecture, engineering, surveying, and landscape architecture in anticipation of final plan approval and subsequent construction. This is a relatively detailed submission, drawn to scale and dimensioned, that assures the developer that his plan is acceptable and that he can invest the money necessary to prepare final plans with the assurance that the final plan will be accepted, if it substantially conforms to the preliminary plan. It is at this stage that final modifications, adjustments, and interpretations are made to the sketch-plan previously submitted.

(b) Procedure. A request for preliminary approval of the planned unit development shall be submitted to the secretary of the Plan Commission, who shall refer it to the Plan Commission for public hearing. A report and recommendation of the Plan Commission to the Common Council on the preliminary approval of the PUD district is required. The required procedure for review of the preliminary plan shall be as follows.

1. Submission of the following:

a. Written application for review of the preliminary plan on forms prescribed by the city;

b. The applications shall be accompanied by the fee set by the Common Council for the application;

c. Sufficient supporting data, plans, or information to indicate the extent and nature of the proposal and that the project is ready for a public hearing. The public hearing shall not be held if these documents are not received.

2. A public hearing shall be scheduled and held by the Plan Commission in accordance with procedures established by the Plan Commission for such hearings.

3. Copies of the preliminary plan and supporting data shall be submitted to the Department of Planning and Development, the City Engineer, and the Building Commissioner at least two weeks in advance of the public hearing for their comments and review.

4. Following the public hearing and review of the preliminary planned unit development plan and supporting data for conformity to these regulations, the Plan Commission shall, within 45 days, unless an extension is requested by the petitioner, recommend approval, modification, or disapproval, and the reason therefor, or indicate why a report and recommendation cannot be made to the Common Council. The Plan Commission shall set forth its reasons for recommending approval or denial based on the information received from the applicant, staff, and interested third parties.

5. The Common Council, after receipt of the preliminary planned unit development plan from the Plan Commission, shall approve, modify, or disapprove the preliminary plan within a period of 60 days unless an extension is requested by the petitioner. Upon preliminary approval, the planned unit development plan shall return to the Plan Commission for final plan approval. Approval of the preliminary plan shall not be deemed approval of the final plan.

(4) Final plan approval.

(a) Purpose. The purpose of the final plan is to designate with particularity the land subdivided into conventional lots, as well as the division of other lands not so subdivided, into common open space and building sites. The final plan shows the exact location of facilities, while the preliminary plan shows the general scale location of the same facilities.

(b) Procedure. The final plan shall be submitted as a planned unit development plan and shall conform substantially to the preliminary plan as approved; and, if desired by the developer or required by the city, may be submitted in stages with each stage reflecting the approved preliminary plan which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:

1. A final planned unit development plan and other supporting data required for approval shall be submitted to the secretary of the Plan Commission two weeks before the Plan Commission meeting, and shall conform to the requirements of this section. Final plans and supporting data shall show in detail the design, location, and use of all buildings, facilities, and site improvements, as well as additional information the Plan Commission may require.

2. The final plan and accompanying engineering shall be approved by the City Engineer.

3. The final plan shall also be approved by the Director of Planning and Development and the Building Commissioner, and checked for conformance with this section by those two offices.

4. After review of the final plan, the Plan Commission shall recommend approval or disapproval of the final plan and the reasonstherefor, within 30 days, unless the petitioner requests an extension.

5. The Common Council, after receipt of the final plan from the Plan Commission, shall act upon the final plan within 60 days, unless the petitioner shall request an extension, and may pass an ordinance granting the Special Use Planned Unit Development District and authorizing the planned unit development and the issuance of the necessary permits. No permit shall be issued until the final plan and supporting data have been recorded by the County Recorder and shall be issued in full conformance with this section.

(5) Recording of the final plan. The final plan shall be recorded in conformance with the requirements of the county.

(E) Changes in the planned unit development. The planned unit development project shall be developed only according to the approved and recorded final plan and all supporting data. The recorded final plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the planned unit development set forth therein. Changes to the recorded planned unit development shall be made as follows:

(1) Major changes. Changes which alter the concept or intent of the planned unit development, including changes in density, changes in the height of buildings, reduction of proposed open space, changes in total bedroom counts, changes in the development schedule, changes in the road standards, or changes in the final governing agreements, provisions, covenants, or other changes, may be approved only by submission and reconsideration of a new preliminary or final planned unit development plan and supporting data, and following the preliminary or final plan procedure. If the major change alters data or evidence submitted during the sketch-plan or preliminary plan stages, then resubmission must begin at preliminary plan stage. If only final plan data or evidence is altered as a result of the major change, then the resubmission shall begin at the final plan stage. If major changes are proposed, a new public hearing shall be required during the resubmission of the preliminary or final plan. All approved changes to the "original" final plan shall be recorded with the County Recorder as amendments to the final plan or reflected in recording of a new corrected final plan.

(2) Minor changes. The Plan Commission may, in accordance with procedure established in their rules, approve minor changes in the planned unit development which do not change the concept or intent of the development. Minor changes shall be any change not defined as a major change.

(F) Submission timing and reversion clause. The final plans must be submitted for approval in accordance with agreed-to scheduling. The first final plat must be submitted not later than one year from approval of the preliminary plan; and construction, as authorized by the issuance of a building permit, must begin within one year of date of the filing of the final plan dealing with such construction. In the event that this is not done, the planned unit development district shall revert to the zoning classification affixed to that property prior to the approval of the planned unit development district, or the Plan Commission shall initiate such zoning changes as it deems necessary to serve the public interest, with the approval of the Common Council. In addition, if sketch-plan approval is granted and the first preliminary plat is not submitted for review within one year of the approval, then the aforementioned procedure dealing with reversion shall be followed. If construction falls more than two years behind the building schedule filed with the final plan, the Plan Commission shall either extend the schedule period or initiate action to revert the zoning of the area of the planned unit development district. Extension in the building schedule for one-year periods may be recommended by the Plan Commission and granted by the Common Council.

(G) Occupancy. Upon the completion of the planned unit development, a portion thereof, or an individual building or element of the planned unit development in full compliance with the final planned unit development plan and supporting data, then and only then can a certificate of occupancy be issued by the Building Commissioner to allow the use of a building or facility.

(H) Required information and data. The planned unit development plans and supporting data shall include at least the following information.

(1) Sketch-plan stage.

(a) Sketch-plan. A drawing of the planned unit development shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. The plan shall indicate the overall land use pattern, general circulation system, open space or park system, and the major features of the development. The sketch-plan does not require a detailed site plan of buildings, roads, walks, and the like. The sketch-plan should include:

1. Boundary lines or legal description.
2. Easements, general location, and purpose.
3. Streets on or adjacent to the tract (circulation pattern).
4. Land use pattern proposed.
5. Map data, name of development, name of site planner, northpoint, scale, date of preparation, and acreage of site.

(b) Site data. A written explanation of the graphic elements of the plan, including:

1. Description and quantity of land uses.
2. Description of residential units by type.
3. Number of dwelling units.
4. Estimated population.
5. Description of the development standards and design criteria.

(c) Objectives. A statement of planning objectives to be achieved by the planned unit development. This statement should include a description of the character of the proposed development and the rationale behind the assumption and choices of the developer.

(d) Ownership. A statement of the present and proposed ownership of all land within the project.

(e) Notification list. A list of all persons and addresses of the persons to whom notices of the public hearing to be held by the Plan Commission should be sent. (Developer, designer,

and the owners of land immediately adjoining within 300 feet of the proposed project.)

(f) Environment. A preliminary statement identifying existing natural and environmental resources and the method to protect the physical amenities of the site, including information on:

1. Topography.
2. Flood plains and surface hydrology.
3. Vegetation and natural coverage.
4. Soils and subsurface conditions.
5. Geology.
6. Scenic vistas and views.

(g) Utilities. A preliminary engineering study providing information on existing and proposed sanitary sewer, storm sewer, water, and other utilities necessary to adequately service the development.

(h) Traffic. A preliminary traffic analysis providing information on the existing road network and future improvements deemed necessary to service the development.

(i) Financial impact. A school and tax impact study shall be prepared indicating the impact of the development on local taxing bodies.

(j) Market study. Evidence showing the need and feasibility of the proposed development.

(k) Schedule. A preliminary development schedule indicating the approximate dates when construction of various stages of the development can be expected to begin and be complete.

(2) Preliminary plan stage.

(a) Detailed plan. A drawing of the planned unit development shall be prepared at a scale of not less than one inch equals 100 feet and shall show such designations as proposed streets (public and private), all buildings and the use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings must include:

1. Boundary lines. Bearing and distance.

2. Easements. Location, width, and purpose.

3. Streets on and adjacent to the tract. Street name, right-of-way width, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, and the like.

4. Utilities on and adjacent to the tract. Location, size, and invert relation elevation of sanitary, storm, and combined sewers, location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines, and street lights; direction, distance to, and size of nearest usable water mains and sewers adjacent to the tract, showing invert elevation of sewers.

5. Ground elevations on the tract. For land that slopes less than 0.5% show one-foot contour; for land that slopes more than 0.5% show two-foot contours; also show spot elevations at all breaks in grades, along all drainage channels or swales, and at points of special significance.

6. Subsurface conditions on the tract if required by Plan Commission. Locations and results of tests made generally to ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet, location and results of soil percolation tests if septic tanks are proposed.

7. Other conditions on tract. Water courses, flood plains, marshes, rock out-crop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, accessory buildings, and other significant features.

8. Other conditions on adjacent land. Approximate directions and gradient of ground slope, including any embankments or retaining walls, character and location of major building, railroads, power lines, towers, and other non-residential land uses or adverse influences; owner of adjacent unplatted land. For adjacent platted land refer to subdivision by platter name and show approximate percent built-up, typical lot size, and dwelling type.

9. Zoning. Show zoning districts on and adjacent to the tract.

10. Proposed public improvements. Highways or other major improvements planned for future construction on or near the tract.

11. Open space. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with the purpose indicated.

12. Structures. General location, purpose, and height, in feet or stories, of each building other than single-family residences on individually platted lots.

13. Map data. Name of development, name of site planner, northpoint, scale, date of preparation, and acreage of site.

14. Miscellaneous. Such additional information as may be required by the Plan Commission.

(b) Objectives. A statement of planning objectives to be achieved by the planned unit development. This statement should include a description of the character of the proposed development and the rationale behind the assumption and choices of the developer.

(c) Character. Explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the flexibility of these regulations, and referencing the general benefits that will accrue to the public as a result of planned unit development.

(d) Ownership. Statement of present and proposed ownership of all land within the project.

(e) Names. Names and addresses of persons to whom the notice of the public hearing to be held by the Plan Commission should be sent.

(f) Schedule. Development schedule indicating:

1. Stages in which project will be built, with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plan and through supporting graphic material.

2. Approximate dates for beginning and completion of each stage.

3. If different land uses are to be included with the planned unit development, the schedule must include the mix of uses to be built in each stage.

(g) Covenants. Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned unit development and any of its common open space.

(h) Density. Provide information of the density of residential uses, including the number of dwelling units per acre, the number of dwelling units by type, the number of buildings by type.

(i) Non-residential use. Provide information on the type and amount of ancillary and non-residential uses, including the amount of common open space.

(j) Service facilities. Provide information on all service facilities and off-street parking facilities.

(k) Architectural plans. Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of development, the design of the building, and the number, size and type of dwelling unit. Also provide floor area of building types and total ground coverage of the buildings.

(l) Landscape plans. Preliminary plans for plant materials, earth sculpturing, berming, and aesthetic features shall be submitted.

(m) Facilities plans. Preliminary plans for information, adequate to indicate that the proposed development can be reviewed, shall be submitted for:

1. Roads, including classification, right-of-way width, and width of pavement.

2. Sanitary sewer.

3. Water supply system.

4. Storm drainage.

5. Lighting program.

6. Sidewalks, paths, and cycle trails.

(n) School impact study. Provide information on the student load and financial impact on the local school districts, including expected scheduling of potential students.

(o) Tax impact study. Provide information on the taxes to be generated by the proposed project and the cost to the various taxing bodies to provide the necessary services to the project.

(p) Traffic analysis. Provide information on the adequacy of the local transportation and thoroughfare system to handle anticipated traffic volumes generated by planned unit development. Also an analysis should be made of the adequacy of the internal vehicular circulation pattern.

(q) Market study. Provide an economic feasibility study of the proposed development, including information on land utilization and marketing potential. Evidence should be presented showing the need and feasibility of the proposed development.

(3) Final plan stage.

(a) Final detailed plan. A final planned unit development plan suitable for recording with the County Recorder shall be prepared. The purpose of the final plan is to designate with particularity the land subdivided into conventional lots, as well as the division of other land, not so treated, into common open areas and building areas. The final plan shall include:

1. An accurate legal description of the entire area under immediate development within the planned unit development.

2. A planned unit development plan of all lands which are a part of the final plan being submitted, and meeting all the requirements for a final plan. If lands which are a part of the final plan are to be subdivided, then a subdivision plan is also required.

3. An accurate legal description of each separate unsubdivided use area including common open space.

4. Designation of the exact location of all buildings to be constructed.

5. Certificates, seals, and signatures required for dedication of lands, and recording the document.

6. Tabulation on separate unsubdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.

(b) Common open space documents. All common open space shall be either conveyed to municipal or public corporations, conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the planned unit development, or retained by the developer with legally binding guarantees, in a form approved by the City Attorney, verifying that the common open area will be permanently preserved as open area. All land conveyed to a not-for-profit corporation or like entity shall be subject to the right of that corporation to impose a legally enforceable lien for the maintenance and improvement of common open space.

(c) Public facilities. All public facilities and improvements made necessary as a result of the planned unit development shall be either constructed in advance of the approval of the final plan or a subdivider bond posted to guarantee construction of the required improvements. The subdivider bond, payable to the city, shall be sufficient to cover the total cost of the improvements plus 10%. Detailed construction plans shall be submitted for all public facilities to be built.

(d) Construction plans. Detailed plans shall be submitted for the design, construction, or installation of site amenities, including buildings, landscaping, lakes, and other site improvements.

(e) Construction schedule. A final construction schedule shall be submitted for that portion of the planned unit development for which approval is being requested.

(f) Guarantee deposit. A deposit shall be made to the city in the form of cash, letter of credit, or maintenance bond approved by the Plan Commission, in a form acceptable to the City Attorney equal to 15% of the estimated cost of public facility installation. This deposit shall be a guarantee of satisfactory performance of the facilities constructed within the planned unit development and shall be held by the city for a period of 18 months from the date of acceptance of the facilities by the city. After the 18-month period, the deposit shall be refunded if no defects have developed; or if any defects have developed, then the balance of the deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities.

(g) Delinquent taxes. A certificate shall be furnished from the appropriate county official that no delinquent taxes exist and that all special assessments constituting a lien on the whole or any part of the title have been paid.

(h) Covenants. Final agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned unit shall be recorded at the same time as the final planned unit development plan.

(I) Standards. The planned unit development must meet the following standards in lieu of the standards specified in the zoning code:

(1) Comprehensive plan. A planned unit development must conform with the planning objectives of the city as specified in that portion of the comprehensive plan.

(2) Size and ownership. The site of the planned unit development should be a minimum of five acres and should be under a single owner or unified control.

(3) Compatibility. The uses permitted in a planned unit development must be of a type and so located as to exercise no undue detrimental influence upon the surrounding properties. In addition, a planned unit development shall not endanger the public health, welfare, or safety; nor shall it substantially diminish or impair the values in the neighborhood in which it is to be located.

(4) Character and uses. The planned unit development must be of a character and contain such uses that are needed in the area of the proposed project.

(5) Density. The density of a planned unit development (either in dwelling units for residential, or floor area for other uses) shall generally correspond to the density regulations imposed by the underlying or previous zoning district. However, increases in density may be granted in accordance with the provisions of division (I)(11) below. The density of the planned unit is not necessarily required to precisely correspond with the normal density of the underlying or previous zoning district, but instead should reflect the district's character through complementary building types and architectural design.

(6) Yard, height, and bulk requirements. Yard, height and bulk requirements shall conform to the requirements of the underlying or previous zone in which the proposed planned unit development is to be located, unless specifically varied by the Plan Commission as part of the planned unit development process. (Example: If a planned unit development is located in an R-1 zone, it would have to meet the setback requirements of that zone.)

(7) Parking requirements. Parking requirements shall be in conformance with the standards set forth within this section.

(8) Traffic. Adequate provision shall be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(9) Design standards. The provisions of Chapter 151 of this code shall be adhered to unless a variance is granted by the Common Council.

(10) Industrial performance standards. If industrial uses are included in the planned unit development, industrial performance standards, as specified in the industrial districts herein, shall be adhered to and may not in any instance be waived.

(11) Departure from standards. The planned unit development may depart from strict conformance with the required density, dimension, area, height, bulk, use, and specific content regulations of this section to the extent specified in the preliminary plan and document authorizing the planned unit development, so long as the planned unit development provides tangible benefits to the neighborhood or community in which it is located. The waiver of any requirements shall be the direct cause of accrual of positive benefits to residents of the development as well as to the general community. Departure from any requirement specified in this section or other city ordinances is a privilege, and shall be granted only upon recommendation of the Plan Commission to the Common Council, and only with the approval of the Common Council.

(J) Findings. The Plan Commission shall, after the public hearing, set forth to the Common Council the reasons for the recommendations, and those recommendations shall set forth with particularity in what respects the proposal would be in the public interest, including, but not limited to, finding of fact on the following:

(1) In what respects the proposed plan is consistent with the stated purpose of the planned unit development district regulations.

(2) The extent to which the proposed plan meets the requirements and standards of the planned unit development district regulations.

(3) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property; including, but not limited to, the density, dimensions, area, bulk, and use; and the reasons why the departures are deemed to be in the public interest.

(4) The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light and air, recreation, and visual enjoyment.

(5) The relationship and compatibility of the proposed plan to the adjacent properties and neighborhoods.

(6) The desirability of the proposed plan as regards physical development, tax base, and economic well being of the city.

(7) The conformity with planning objectives of the city.

(K) Conditions and guarantees. Prior to the granting of any planned unit development district, the Plan Commission may recommend, and the Common Council shall stipulate, such conditions and restrictions upon the establishment, design, location, lay-out, height, density, construction, aesthetics, operation, and other elements of the planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area, and to secure compliance with the standards specified in this section. In all cases in which planned unit developments are granted, the Board of Public Works and Safety shall require such evidence and guarantees as it may deem necessary as proof of the conditions stipulated in connection with the approval of the planned unit development.

(Ord. 799, passed 12-18-70; Am. Ord. 1259, passed 4-4-83)

§ 150.34 TEMPORARY STRUCTURES.

(A) Temporary structures and/or construction trailers used in conjunction with construction work or emergencies are temporary permitted uses in business, highway service, office service and industrial districts. The Building Commissioner may issue permits for no more than two such temporary structures and/or construction trailers per each construction project for a period of time not to exceed 12 months provided all other building and zoning laws or requirements are met.

(B) Requests for a temporary sales office, seasonal sales office, and temporary construction trailers or structures in a residential district that exceed 12 months may only be permitted after the approval of a variance, subject to any reasonable time limits or other conditions that may be imposed, by the Advisory Board of Zoning Appeals.

(C) All other building or other permits required by any state or local building or zoning law shall be obtained prior to the issuance of any permit by the Building Commissioner for any temporary structure.

(Ord. 799, passed 12-18-70; Am. Ord. 1800, passed 5-9-96)

§ 150.35 (RESERVED).

§ 150.36 HOME OCCUPATIONS.

The purpose of this section is to allow for home occupations which are compatible with the neighborhoods in which they are located. A permit for home occupation may be granted by the Plan Commission as a special use in a residential zone if such use complies with all of the following criteria:

(A) The home occupations shall be conducted wholly within the enclosed living area of the dwelling unit or attached garage but not in any other accessory or detached structure. "ATTACHED GARAGE" as used in this section, shall mean an outbuilding customarily used for the storage of vehicles, which outbuilding is attached to a residential dwelling as either an integral part thereof or, at the least, connected to the dwelling by a completely enclosed breezeway.

(B) The home occupation shall be carried on by a member of the family residing in the dwelling unit with not more than one employee who is not a part of the family.

(C) There shall be no exterior evidence of the conduct of a home occupation other than signs permitted in Section 150.35 (A).

(D) Electrical or mechanical equipment which creates visible or audible interference with radio or television receivers or causes fluctuation in line voltage outside the dwelling unit or which creates noise, vibrations, smoke, dust, odors, heat or glare not normally associated with residential uses is prohibited.

(E) The home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.

(F) The establishment and conduct of a home occupation shall not change the principal character of use of the dwelling unit involved. Not more than 20% of the usable space in the dwelling unit shall be devoted to the home occupation.

(G) The home occupation shall not involve the extensive use of heavy commercial vehicles for delivery of materials to or from the premises.

(H) In the event a special use home occupation is recommended by the Plan Commission and approved by the Common Council of the city, the Building Commissioner shall thereafter issue a permit for the home occupation for the period of one year from the date of the Common Council approval. No permit shall be issued until Administrative Building Council requirements have been met and approval obtained. Request for a renewal shall be filed with the Building Commissioner and renewals of the permit shall be for a period of two years thereafter from the filing of the request and after review by the Building Commissioner to verify continued compliance with the necessary criteria established with the initial approval. A permit fee of \$10 will be required.

(I) Within a period of six months following adoption of this section, all residents with existing home occupations shall obtain a permit from the Building Commissioner in order to comply with provisions of this section and pay applicable fees.

(J) In the event the Building Commissioner determines that any home occupation granted after the effective date hereof or any home occupation previously granted and not in compliance with existing or prior law as applicable thereto, then the Building Commissioner shall notify the operator of the home occupation to comply with all necessary conditions and criteria within 30 days of the notice of noncompliance. If the operator of the home occupation fails to comply or agree to comply within a specific period of time designated by the Building Commissioner, then legal action to enforce the requirements of existing or prior law, as the case may be, shall be taken.

(Ord. 799, passed 12-18-70; Am. Ord. 972, passed 7-5-77; Am. Ord. 1159, passed 3-2-81)

§ 150.37 OFF-STREET LOADING.

Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths of a size and arrangement appropriate for the types of vehicles utilizing this space. In no case will loading or unloading be permitted within public rights-of-way.

(Ord. 799, passed 12-18-70)

§ 150.38 PERFORMANCE STANDARDS.

All uses established or placed into operation after the effective date of this chapter shall comply with the following performance standards in the interests of protecting the public health, safety and welfare, and lessen injury to property. No use in existence on the effective date of the chapter shall be so altered or modified to conflict with these standards.

(A) Fire protection. Fire fighting equipment and prevention measures acceptable to the city fire department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.

(B) Electrical disturbances. No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.

(C) Noise. No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental, provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.

Cross-reference:

Noise control regulations, see Chapter 98

(D) Vibration. No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.

(E) Odor. No use shall emit across the lot lines malodorous gas or matter in such quantity as to be readily detectable at any point along the lot lines.

(F) Air pollution. No use shall discharge across the lot lines flyash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property.

(G) Heat and glare. No use shall produce heat or glare in such a manner as to create a nuisance perceptible from any point beyond the lot lines.

(H) Water pollution. No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties and conflict with water pollution standards established by public agencies.

(I) Waste matter. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of applicable public health, safety and welfare standards and regulations.

(Ord. 799, passed 12-18-70)

ADMINISTRATION AND ENFORCEMENT

§ 150.50 ADMINISTRATIVE RESPONSIBILITY.

The Plan Commission shall establish the procedures and responsibilities for the administration and enforcement of this chapter in accordance with the following provisions and state legislation.

(Ord. 799, passed 12-18-70)

§ 150.51 PERMITS.

No permit shall be issued unless the proposed structure or use of structure or land is in complete conformity with the provisions of this chapter, or unless a written order is received from the Board of Zoning Appeals, the Plan Commission, or a court in accordance with this chapter and state legislation.

(A) An improvement location permit shall be obtained before any structure may be constructed, reconstructed, moved, enlarged, or structurally altered. If an improvement location permit is issued the applicant shall apply for an occupancy permit, which permit shall not be issued until the structure is complete and compliance with this chapter is in evidence.

(B) An occupancy permit shall be obtained before any person may:

(1) Occupy or use any vacant land;

(2) Occupy or use any structure hereafter constructed, reconstructed, moved, enlarged, or structurally altered;

(3) Change the use of a structure or land to a different use; or

(4) Change the use of a nonconforming use.

A temporary occupancy permit may be issued for a period not exceeding 6 months during alterations or partial occupancy of land or structures, provided that such temporary permit may include such conditions and safeguards as necessary to protect the safety of the occupants and the public.

(C) No improvement location permit shall be required for:

(1) Essential Services as defined in § 150.02;

(2) Patios; retaining walls less than four feet in height; lawn furniture; play equipment; fences and landscaping within residential districts; planting of vegetation which will mature to a height of less than three feet; and sidewalks not wider than ten feet and not within a public way.

(D) All applications for permits shall be accompanied by a plot plan which is drawn to scale and shows clearly and completely:

(1) The location, dimensions, and nature of the property;

(2) The location and dimensions of any existing or proposed structures;

(3) All adjoining thoroughfares and any existing or proposed access to these thoroughfares;

(4) The existing and proposed use of all structures and land;
and

(5) Other information such as water, sewer, and drainage information may be necessary to determine conformance with this chapter.

(E) If the work described in any permit has not begun within 180 days from the date of issuance thereof, the permit shall expire and a written cancellation notice shall be sent to the property owner.

(F) If the work described in any permit has not been completed within 2 years of the date of issuance thereof, the permit shall expire and a written cancellation notice shall be sent to the property owner. Further work shall not proceed unless a new permit is obtained.

(G) All grading performed on individual parcels of real property or upon subdivision lots shall be in conformance with a grading plan submitted with and as a part of the application for a building permit. The grading plan must indicate final elevations and grades, and must be prepared and certified by a professional engineer or land surveyor licensed by this state, and shall bear his stamp at the time of submission. The grading plan shall be designed so as to minimize surface water drainage onto adjacent lots or parcels of real property, and so as to minimize flooding or ponding conditions on the subject subdivision lot or parcel of real property. If a subdivision lot, the grading plan shall additionally be in substantial conformance with the subdivision grading plan or storm drainage plan, if any. Before an occupancy permit may be issued, a professional engineer or land surveyor licensed by this state must certify in writing that the grades of the improved subdivision lot or parcel of real property are in substantial conformance with those shown on the grading plan first submitted pursuant hereto, or as amended, if the amendment has been approved by the City Engineer. Thereafter, the Building Commissioner may issue an occupancy permit, provided all other requisites for such a permit have been satisfied. All engineering and surveying costs incurred by an applicant for an occupancy permit shall be the responsibility of that applicant.

(1) However, the following activities for which a building permit is required are exempted from the provisions and requirements of this division (G):

- (a) Residential room additions.
- (b) Residential swimming pools.
- (c) Garages on residential lots or parcels.
- (d) Storage sheds on residential lots or parcels.

(2) The provisions of this division (G) shall apply only to lots and parcels of real property first platted after December 31, 1985.

(3) A lot owner whose property is subject to this division shall not change the grades of the lot so as to materially deviate from the grading plan, without having first obtained the written approval of the City Engineer.

(H) Improvement Location Permit Fees:

(1) Residential, commercial, industrial,

.....

ag

- (2) All additions, garages/carports,
in-ground swimming pools and

- (3) All signs - free-standing and

(Ord. 799, passed 12-18-70; amend. Ord. 1166, passed 5-4-81; amend.
Ord. 1180, passed 7-6-81; amend. Ord. 1258, passed 2-7-83; amend.
Ord. 1574, passed 3-4-91; amend. Ord. 1576, passed 5-6-91; amend.
Ord. 2003-03-07, passed 3-3-03)

§ 150.52 FEES.

(A) The Planning Department shall charge and collect fees for applications or petitions filed pursuant hereto. No part of any fee paid pursuant to this section shall be refunded to the applicant or petitioner, unless the application or petition is withdrawn prior to publication of public notice. The applicant or petitioner shall assume and pay all publication costs for the legal notices and costs relating to individual notices to property owners required by law. The following fees shall be charged to and payable by the applicant or petitioner, as the case may be, at the time the application or petition is filed:

- (1) Zone changes:

Service/Highway Service/

- (3) Board of Zoning Appeals petitions:

Variance (Multi-family/Business/
Office Service/Highway Service/

per acre

(B) Any petitioner or applicant who requests, or whose petition requires, a special meeting of the Advisory Plan Commission or the Advisory Board of Zoning Appeals shall pay in advance to the scheduling of said special meeting a fee to the city in the sum of \$750~~550~~ for each special meeting of the Advisory Plan Commission so required and the sum of \$550~~400~~ for each special meeting of the Advisory Board of Zoning Appeals so required.

(Ord. 799, passed 12-18-70; amend. Ord. 1013, passed 3-6-78; amend. Ord. 1304, passed 3-5-84; amend. Ord. 1508, passed 10-2-89; Am. Ord. 1798, passed 3-4-96; amend. Ord. 1838, passed 3-3-97; Am. Ord. 2005-09-28, passed 9-6-05)

§ 150.53 METHOD OF APPEAL.

Any person aggrieved or affected by any provision of this chapter, or by any decision of the administrator, may appeal to the Board of Zoning Appeals, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof. Every decision of the Board shall be subject to review by certiorari. (Ord. 799, passed 12-18-70)

BOARD OF ZONING APPEALS

§ 150.60 GENERAL.

In accordance with state law, the Mayor shall appoint a Board of Zoning Appeals, which Board may adopt rules to govern its procedure. The Board of Zoning Appeals shall hold meetings, keep minutes, and pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony, and render decisions in writing, all as required by law. When permitting any appeal, variance, special exception, or change of a nonconforming use, the Board may impose such conditions and requirements as it deems necessary for the protection of adjacent property and public interest. (Ord. 799, passed 12-18-70)

§ 150.61 APPEALS.

The board shall have the power to hear and decide appeals from any order, requirement, decision, grant, or refusal made in the administration of this chapter. (Ord. 799, passed 12-18-70)

§ 150.62 VARIANCES.

Variances from development standards of the zoning ordinance. A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning ordinance. A variance may be approved under this section only upon determination in writing that:

(A) The approval will not be injurious to the public health, safety, morals and general welfare of the community;

(B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

(C) The strict application of the terms of the zoning ordinance will result in particular difficulties in the use of the property. (Ord. 799, passed 12-18-70; amend. Ord. 840, passed 10-2-72; amend. Ord. 2002-05-19, passed 5-2-02)

§ 150.621 VARIANCE OF USE FROM TERMS OF ZONING ORDINANCE.

A Board of Zoning Appeals shall recommend to the legislative body for a favorable or unfavorable or no recommendation for variances of use from the terms of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under this section only upon a determination in writing that:

(A) The approval will not be injurious to the public health, safety, morals and general welfare of the community;

(B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

(C) The need for the variance arises from some condition peculiar to the property involved;

(D) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

(E) The approval does not interfere substantially with the comprehensive plan.
(Ord. 2002-05-19, passed 5-2-02)

§ 150.63 SPECIAL EXCEPTIONS.

The board of zoning appeals shall hear and decide on applications for special exceptions to the terms of this zoning code in the classes of cases set forth hereinafter. The board may authorize an exception if it has determined that such authorization is consistent with the spirit of this chapter, and that the exception will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(A) Granting. After a public hearing has been noticed and held in the manner prescribed hereinafter for variations and appeals, the board of zoning appeals may allow, as a special exception, the following:

(1) The same off-street parking facility to qualify as a required facility for 2 or more uses, provided the substantial use of the facility by each user does not take place at approximately the same hours of the same days of the week;

(2) A nonconforming use or building to be continued beyond the period of time prescribed for the termination thereof, provided

that the extension of time shall be granted within 6 months before the end of the original period, and shall be no longer than the original termination period. However, the board may, after public hearing noticed and held, renew any extension of time within 6 months before the end thereof, but not for longer than the

original termination period and in no case for longer than 10 years.

(3) In a residentially zoned district on sites not less than 10 acres in area, outdoor recreation uses, including the dispensing of food or beverages, or any merchandise or equipment directly related to the recreational use, and provided further that:

(a) Paved off-street parking be provided in an amount as determined by the board of zoning appeals.

(b) Trash and litter control and collection be provided by the petitioner.

(B) Restrictions. The board of zoning appeals may impose such restrictions and conditions upon the premises benefited by an exception as may be necessary to prevent injurious effect therefrom upon other property in the neighborhood and to better carry out the general intent of the chapter.

(C) The special exception shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards of § 150.38.

(D) The special exception shall be sited, oriented and landscape to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

(E) The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

(F) The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

(G) The special exception shall preserve the purpose of this chapter.

(H) The petitioner to whom a special exception is granted shall commence construction consistent with the authorization of the board of zoning appeals within one year. If the petitioner fails to commence construction within one year, the authorization of the board of zoning appeals shall automatically terminate and expire. The authorization of the board of zoning appeals may be reinstated by said board upon good cause being shown by the petitioner or his successor in interest.

(Ord. 799, passed 12-18-70; amend. Ord. 840, passed 10-2-72; amend. Ord. 895, passed 10-7-74)

§ 150.64 NON-CONFORMING USES.

The board shall have the power to authorize changes of lawful non-conforming uses as follows:

(A) A non-conforming use which occupies a portion of a structure or premises may be extended within such structure or premises as they

existed when the prohibitory provision took effect, but not in violation of the area and yard requirements of the district in which such structures or premises are located. No change of a non-conforming use shall entail structural alterations or any additions other than those required by law for the purpose of safety and health.

(B) The board may impose such conditions as it deems necessary for the protection of adjacent property and the public interest.

(C) Any change of a lawful non-conforming use authorized by the board of zoning appeals shall be acted upon within one year of the board's authorization. If the petitioner fails to make the change within one year, the authorization of the board of zoning appeals shall automatically terminate and expire. The authorization of the board of zoning appeals may be reinstated by the board upon good cause being shown by the petitioner or his successor in interest. (Ord. 799, passed 12-18-70; amend. Ord. 840, passed 10-2-72)

AMENDMENTS

§ 150.70 GENERAL.

The council may introduce and consider amendments to this chapter and to the zone map, as proposed by council, by the plan commission or by a petition by the owners of 50% or more of the area involved in, or defined by, the petition. (Ord. 799, passed 12-18-70)

§ 150.71 PETITIONS.

Petitions for zone map change shall be filed with the city planning department, and the petitioner, upon such filing shall, whether or not the proposed change is enacted, pay a fee as required in § 150.52, and shall pay the publication costs of all required public notices.

(Ord. 799, passed 12-18-70; amend. Ord. 1508, passed 10-2-89)

§ 150.72 REFERRAL.

Any proposed amendment not originating from the plan commission shall be referred to the plan commission for consideration and report before any final action is taken by council. The plan commission shall hold a public hearing, as prescribed by law, and report its findings and recommendations in writing to the council within such reasonable time after the public hearing as the council may specify in the referring action.

(Ord. 799, passed 12-18-70)

§ 150.73 ACTION.

After receiving the plan commission's report, city council may proceed to take action on the proposed amendment. In the event the report of the plan commission is adverse to the proposed amendment, the amendment ordinance shall not be passed except by an affirmative vote of at least 75% of the members of council. Failure of

council
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to pass such proposed amendment ordinance by affirmative vote within 90 days after its rejection by the Plan Commission shall constitute rejection of the proposed amendment and it shall not be reconsidered by the Plan Commission or Council until the expiration of one year after the date of its original rejection by the Plan Commission. (Ord. 799, passed 12-18-70)

SIGNS

§ 150.80 PERMITS AND FEES REQUIRED; EXCEPTIONS.

(A) A fee of \$10.00, plus \$.10 per square foot of the gross surface areas of the sign, shall be collected by the Building Commissioner when the sign permit and registration tag are issued.

(B) Every application for a permit shall be accompanied by a plan or plans drawn to scale, and shall include the following.

(1) The dimensions of the sign, and where applicable the dimensions of the wall surface of the building to which it is to be attached.

(2) The dimensions of the sign's supporting members.

(3) The maximum and minimum height of the sign.

(4) The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated.

(5) A current photograph of the face of the building to which the sign is to be attached, when applicable.

(C) While these exceptions would not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance, and its compliance with the provisions of this subchapter, the following changes or activities do not require a sign permit.

(1) The changing of the advertising copy or message of a painted, plastic face, or printed sign; provided, however, that except for signs specifically designed for the use of replaceable copy, electric signs are not included in this exception.

(2) The electrical maintenance, repainting, or cleaning of a sign.

(3) The repair of a sign.

(4) Placement of temporary signs for the purposes of sale or lease of real estate, or political signs.

(Ord. 1298, passed 12-5-83) Penalty, see § 150.99

§ 150.81 NONCONFORMING SIGNS.

(A) Any sign or sign structure lawfully existing or under construction at the time of the adoption of this subchapter or of a later amendment, but whose location or use does not conform with that required or permitted in the regulations herein, shall be known as "NONCONFORMING." Thereafter, such signs will continue to be nonconforming but will be also considered obsolete and subject to the regulations thereof.

(B) No nonconforming sign shall be changed, expanded, or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, excepting routine maintenance or relocation in whole or in part of any other location where it would remain nonconforming.
(Ord. 1298, passed 12-5-83) Penalty, see § 150.99

§ 150.82 INSPECTION.

(A) All signs for which a permit is required shall be subject to inspection by a representative of the city who shall be authorized to enter at all reasonable times upon any property or premises to ascertain compliance with provisions of this subchapter.

(B) The city may order the removal of any sign that is not in accordance with the provisions of this subchapter, or take such other legal or equitable action as may be required to insure compliance therewith.
(Ord. 1298, passed 12-5-83)

§ 150.83 ERECTION, MAINTENANCE, AND REPAIR.

(A) Every sign, and all parts, portions, units, and materials comprising it together with the frame, background, supports, or anchorage thereof, shall be built in accordance with applicable building codes.

(B) Every sign, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural condition at all times; including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of the sign.

(C) If the sign is not made to comply with applicable safety standards, the Building Commissioner may require its removal in accordance with this subchapter.
(Ord. 1298, passed 12-5-83) Penalty, see § 150.99

Cross-reference:

Building code, see §§ 152.50 - 152.61

§ 150.84 ALTERATIONS.

No sign shall be altered, rebuilt, enlarged, extended, or

relocated except in conformity with the provisions of this subchapter.

The repainting, changing of parts, or preventative maintenance of signs shall not be deemed to be an alteration if performed by the sign permit holder.

(Ord. 1298, passed 12-5-83) Penalty, see § 150.99

§ 150.85 UNSAFE AND UNLAWFUL SIGNS.

(A) If the Building Commissioner shall find that any sign is unsafe or insecure, or is a public nuisance, or has been constructed or erected or is being maintained in violation of the provisions of this subchapter, he shall give written notice of the nonconformance to the person who owns or manages the property.

(B) Failure to remove or alter the sign so as to comply with the standards herein set forth within ten days after notice, or failure to file an appeal with the Board of Zoning Appeals within permissible time limits, shall subject such sign removal or alteration by the city at the expense of the owner of the property upon which it is located.

(C) The Building Commissioner may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

(Ord. 1298, passed 12-5-83)

§ 150.86 REMOVAL OF OBSOLETE SIGNS.

(A) Any sign, except an approved billboard, which does not advertise a bona fide business conducted on the zoning lot, or a product sold on the zoning lot, shall be removed by the owner, agent, or person having the beneficial use of the property upon which the sign may be found within ten days after written notification thereof by the Building Commissioner.

(B) Upon failure to comply with the notice within the time specified in the order, the city may cause removal of the sign, and any expense incident thereto shall be paid by the owner of the property to which the sign is attached.

(C) Any existing nonconforming sign will be considered an obsolete sign if any new business or change of use occurs upon the zoning lot upon which the nonconforming sign is located, and must be removed or made to conform with applicable provisions of this subchapter.

(Ord. 1298, passed 12-5-83)

§ 150.87 GENERAL STANDARDS.

(A) Signs advertising the premises for sale or lease may be permitted, not to exceed 32 square feet in area unless otherwise restricted, in which case the more stringent requirements will prevail.

(B) Signs advertising acreages of over 20 acres for sale or lease shall be permitted on the premises, not to exceed 96 square feet, unless otherwise restricted by law or other terms of this subchapter.

(C) No sign shall be attached to a tree or utility pole, or be located in a public right-of-way.

(D) The following signs are exempt from the regulation of this subchapter:

(1) Memorial signs and tablets or monuments.

(2) Address numerals and signs not exceeding 1.5 square feet, bearing the names of occupants of the premises in residential districts.

(3) Governmental flags and insignia, when not used for commercial purposes.

(4) Legal notices.

(5) Governmental traffic and parking signs.

(E) No sign shall be of the rotating or animated type.
(Ord. 1298, passed 12-5-83) Penalty, see § 150.99

§ 150.88 DISTRICT REGULATIONS.

(A) All districts. In all zoning districts, highway directional signs and markings shall be made and installed in accordance with the specifications of the state or city. Included shall be signs announcing the location of, or directing traffic to given locations which include, but are not limited to, the following:

(1) Service areas for automobiles, food, and lodging.

(2) Public and quasi-public information signs.

(3) Business or business districts.

(B) All Residential and Conservation Districts. In all residential and conservation districts the following listed signs are permitted subject to the regulations noted after each.

(1) Name plates and identification signs, subject to the following:

(a) Area and number. For multiple-family dwellings, for apartments, hotels, and for buildings other than dwellings, a single identification sign not exceeding nine square feet in area and indicating only the name and address of the building and the

name of the management thereof may be displayed, provided that on a corner lot, two such signs, one facing each street, shall be permitted.

(b) Location. Permitted signs shall be located directly upon the structure or premises or within the buildable area of the zoning lot, depending on the permitted use.

(c) Setback. All signs must be set back from the street the same distance as is required for the front yard of the zoning lot.

(d) Spacing. Only one sign is permitted per zoning lot, except as noted for corner lots in division (B)(1)(a) of this section.

(e) Height. No sign shall be located higher than the first floor of the building, nor higher than six feet, if free-standing.

(f) Illumination. No sign in this category may be illuminated except as an indirect result of lighting for other permitted purposes.

(g) Projections. Signs mounted upon dwelling structures shall be flush and not project more than two inches beyond the surface of the structure.

(2) For sale or for rent signs and temporary construction signs, subject to the following:

(a) Area and number. There shall not be more than one such sign per zoning lot, except that on a corner lot two signs, one facing each street, shall be permitted. No sign shall exceed 16 square feet in area.

(b) Location. Permitted signs may be located within the front yard, but not within ten feet of another zoning lot. Signs may be located on the permitted structure or use, but not within any road right-of-way.

(c) Setback. Permitted signs may be located within the front yard, but not within ten feet of another zoning lot.

(d) Height. No sign shall exceed a height of four feet above curb level.

(e) Illumination. No sign under this category may be illuminated.

(f) Projections/mounting. A sign mounted to a permitted structure or use must be flush and not project beyond two inches from the surface.

(3) Bulletins for non-dwelling uses, subject to the following:

(a) Area and number. There shall be not more than one sign per zoning lot except that on a corner lot, two signs, one facing each street, shall be permitted. No sign shall exceed 50 square feet in area.

(b) Location. A permitted sign may not be located within any required yard and it shall not be closer than 25 feet to any other zoning lot.

(c) Setback. A permitted sign shall be set back from the front property line 30 feet.

(d) Height. No sign shall be higher than seven feet above the curb level.

(e) Illumination. Permitted signs may be illuminated, but only so as to not shine on any adjacent property or onto a public highway so as to interfere with the vision of motorists. Illumination shall not be of the flashing or intermittent type.

(f) Projection/mounting. If a permitted sign is located upon a building, it shall be mounted flush; nor shall it project beyond 18 inches from the surface of the building.

(4) Signs accessory to required parking areas, subject to the following:

(a) Area and number. Signs shall be permitted designating parking area entrances or exits limited to one sign for each exit or entrance and to a maximum size of two square feet. One additional sign may be permitted designating the conditions of use or identity of such parking area and limited to a maximum size of nine square feet. On a corner lot no more than two such signs, one facing each street, may be permitted.

(b) Location. All permitted signs must be located within the boundaries of the zoning lot upon which the parking area is located. No sign shall be so located as to obstruct the view of motorists.

(c) Spacing. All permitted signs must be located within the boundaries of the zoning lot upon which the parking area is located. No sign shall be so located as to obstruct the view of motorists.

(d) Setback. All permitted signs must be located within the boundaries of the zoning lot upon which the parking area is located. No sign shall be so located as to obstruct the view of motorists.

(e) Height. No sign shall exceed the height of five feet above curb level.

(f) Illumination. Signs permitted under this category may be illuminated only from within the structure of the sign itself and so as not to create a hazard to motorists, and shall not be of the flashing or intermittent type.

(g) Projection/mounting. Signs permitted under this category may be mounted flush to a building, but not project beyond 18 inches from the surface of the building.

(5) Temporary political signs subject to the following:

(a) Area and number. More than one sign on behalf of a candidate for political office or for a political party is permitted. Each sign shall not exceed 32 square feet in area.

(b) Location. Signs permitted in this category may be located only within the boundaries of the zoning lot of each permitted use.

(c) Setback. Signs permitted in this category may be located only within the boundaries of the zoning lot of each permitted use.

(d) Spacing. Signs permitted in this category may be located only within the boundaries of the zoning lot of each permitted use.

(e) Height. No sign shall exceed the height of ten feet above the curb level unless located on a building.

(f) Illumination. No sign shall be illuminated.

(g) Removal. Removal of signs permitted under this category shall be the responsibility of the candidate or political party advertised, and shall be removed within five days after the election. Signs may not be erected earlier than 30 days prior to the applicable election day.

(h) Projection/mounting. No sign shall be mounted on a dwelling structure except for placement in windows.

(C) B-1 Business District. In the B-1 Business District, the following signs are permitted, subject to the regulations noted after each:

(1) Signs on marquees, canopies, and awnings subject to the following:

(a) Area and number. On each marquee, canopy, or awning, the name and address of the establishment on the premises or

zoning lot shall be permitted, except for theatre marquees where the listing of the events to be performed may be displayed.

(b) Location. The location of permitted marquees, canopies, and awnings will determine the location of signs on each.

(c) Setback. The location of permitted marquees, canopies, and awnings will determine the setback of signs on each.

(d) Spacing. The location of permitted marquees, canopies, and awnings will determine the spacing of signs on each.

(e) Height. All signs shall have the same height as the marquee, canopy, or awning on which they are located.

(f) Projection/mounting. No sign shall project more than 12 inches from the surface area of the marquee, canopy, or awning on which it is located, but shall be affixed flat and flush to the surface when feasible.

(g) Illumination. Signs permitted under this category may be illuminated but not of the flashing or intermittent type.

(2) Business identification signs subject to the following:

(a) Type, area, and number. Only signs that depict the name, address, number, or logo of the business located on the zoning lot shall be permitted under this category. The area of all signs shall not exceed three square feet for each lineal foot of frontage of the zoning lot. One device that depicts time and temperature is permitted. Within the square footage allowable, the address, number, name, and logo of the business may comprise one-half of that area. The balance of that area may include a brief description of the nature of the business or a listing of products or services not to exceed ten words or symbols.

(b) Location. All signs under this category shall be located directly upon the building located on the zoning lot.

(c) Setback. All signs under this category shall have the same setback as is required for permitted uses, except as allowed in division (C)(2)(f) of this section.

(d) Spacing. See divisions (C)(2)(b) and (c) above.

(e) Height. No sign permitted under this category shall be higher than the permitted uses, or higher than 30 feet above curb level, whichever is less.

(f) Projection/mounting. No sign shall project beyond the roof surface of the permitted building nor beyond 18 inches from the vertical surface of the permitted buildings.

(g) Illumination. Signs permitted under this category may be illuminated, but not of the flashing or intermittent type, except for devices depicting time and temperature.

(3) Advertising signs subject to the following:

(a) Type, area, and number. Signs which depict information concerning the products sold on the premises or services provided shall be limited to 50% of the area of all windows of the building located on the zoning lot, but subject to applicable building codes.

(b) Location. All signs permitted under this category shall be located inside the buildings permitted within the B-1 District.

(c) Spacing. All signs permitted under this category shall be located inside the buildings permitted within the B-1 District.

(d) Setback. All signs permitted under this category shall be located inside the buildings permitted within the B-1 District.

(e) Height. All signs permitted under this category shall be located inside the buildings permitted within the B-1 District.

(f) Projection/mounting. All signs permitted under this category shall be located inside the buildings permitted within the B-1 District.

(g) Illumination. Signs permitted under this category may be illuminated but not of the flashing or intermittent type.

(4) Traffic signs or signs accessory to parking areas subject to the following:

(a) Type, area, and number. Signs designating parking area entrances or exits are limited to one sign for each exit or entrance and each sign shall not exceed four square feet in area; one sign per parking area, designating the conditions of use or identity of the parking area, and limited to a maximum size of nine square feet, provided that on a corner lot no more than two such signs, one facing each street, may be permitted.

(b) Location. All signs permitted under this category shall be located within the area of the zoning lot and may be free-standing.

(c) Setback. All signs permitted under this category shall be located within the area of the zoning lot and may be free-standing.

(d) Height. No sign under this category shall exceed a height of five feet above curb level.

(e) Projection/mounting. Signs permitted under this category may be mounted or erected upon standards or separate supports.

(f) Illumination. Signs permitted under this category may be illuminated, but not of the flashing or intermittent type.

(5) Signs permitted in the Residential District.

(D) B-2 and B-3 Business District. The following listed signs are permitted subject to the regulations following each.

(1) Signs on marquees, canopies, and awnings, subject to the following:

(a) Type, area, and number. On each marquee, canopy, or awning, the name and address of the establishment on the premises or zoning lot shall be permitted, except for theatre marquees where the listing of the events to be performed may be displayed.

(b) Location. The location of permitted marquees, canopies, and awnings will determine the location of signs on each.

(c) Setback. The location of permitted marquees, canopies, and awnings will also be the setback of signs on each.

(d) Spacing. The location of permitted marquees, canopies, and awnings will also be the spacing of signs on each.

(e) Height. Signs under this category shall have the same height as the permitted marquee, canopy, and awning.

(f) Projection/mounting. No signs permitted under this category shall project beyond the surface area of the marquee, canopy, or awning on which it is located and shall be mounted flat and flush to the surface.

(g) Illumination. Signs permitted under this category may be illuminated, but not of the flashing or intermittent type.

(2) Business identification signs, subject to the following:

(a) Type, area, and number. Only two signs that depict the name, address, number, or logo for each business located on a zoning lot shall be permitted under this category. One sign for each business may be located on the building, and each such sign shall not exceed 100 square feet in size. The other identification

sign shall be part of one free-standing sign not exceeding 200 square feet in size, which shall be for the purpose of identification of all businesses located on the zoning lot and advertising as allowed in division (D)(3) of this section.

(b) Location. One sign under this category for each business may be located directly upon the building located on the zoning lot and the other sign may be part of the one free-standing sign allowed in division (D)(2)(a) of this section, which shall be located within the buildable area of the zoning lot.

(c) Setback. All signs under this category shall have the same setback as is required for permitted uses, except as allowed in division (D)(2)(f), below.

(d) Spacing. The permitted free-standing sign shall be spaced at least 100 feet from any other free-standing sign.

(e) Height. No sign permitted under this category shall be higher than the permitted uses, or higher than 30 feet above curb level, whichever is less.

(f) Projection/mounting. A sign on a building shall be mounted flush, and no sign shall project beyond the top of the permitted building nor beyond 18 inches from the wall surface of the permitted buildings.

(g) Illumination. Signs permitted under this category may be illuminated, but not of the flashing or intermittent type, except for devices depicting time and temperature.

(3) Advertising signs, subject to the following:

(a) Type, area, and number. One sign which depicts information concerning the products sold on the premises or services provided, and which does not exceed 100 square feet in area shall be permitted on a zoning lot but shall also be part of the free-standing sign permitted in division (D)(2)(a), above.

(b) Location. All signs permitted under this category shall be located within the buildable area of the zoning lot.

(c) Spacing. All signs permitted under this category shall be spaced at least 100 feet from any other free-standing sign.

(d) Setback. All signs permitted under this category shall have the same setback of the buildings permitted.

(e) Height. The sign permitted under this category shall not be higher than the permitted use or higher than 30 feet above curb level, whichever is less.

(f) Illumination. Signs permitted under this category may be illuminated, but not of the flashing or intermittent type.

(4) Traffic signs or signs accessory to parking areas, subject to the following:

(a) Type, area, and number. Signs designating parking area entrances or exits are limited to one sign for each exit or entrance. Each sign shall not exceed four square feet in area, one sign per parking area, designating the conditions of use or identity of the parking area and limited to a maximum size of nine square feet, provided that on a corner lot no more than two such signs, one facing each street, may be permitted.

(b) Location. All signs permitted under this category shall be located within the area of the zoning lot and may be free-standing. No signs shall be so located as to obstruct the view of motorists.

(c) Setback. All signs permitted under this category shall be located within the area of the zoning lot and may be free-standing.

(d) Height. No sign under this category shall exceed a height of five feet above curb level.

(e) Projection/mounting. Signs permitted under this category may be mounted or erected upon standards or separate supports.

(f) Illumination. Signs permitted under this category may be illuminated only from within the structure of the sign itself and so as not to create a hazard to motorists, and shall not be of the flashing or intermittent type.

(5) Signs permitted in the residential district.

(6) Shopping center signs subject to the following:

(a) Type, area, and number. One shopping center sign for an integrated and planned business development in single ownership and management, or under unified control, may be permitted, provided it does not exceed 200 square feet in area. Other signs, except identification signs located on the building, shall not be allowed.

(b) Location. The permitted sign under this category shall be located within the buildable area of the zoning lot.

(c) Setback. The permitted sign under this category shall be set back the same distance as required for other structures.

(d) Spacing. The permitted sign under this category shall be spaced at least 100 feet from any other free-standing sign.

(e) Height. The height of the sign permitted under this category shall not be higher than 30 feet above curb level.

(f) Illumination. The sign permitted under this category may be illuminated, but not of the flashing or intermittent type.

(7) Billboard signs may be permitted only within the B-3 District subject to the following:

(a) Type, area, number, and administrative approval. One free-standing sign which depicts information concerning products not sold or services not provided on the zoning lot upon which it is located and which sign does not exceed 300 square feet in area, may be permitted subject to other provisions within this division and after approval of a site development plan, and approved thereafter as a special exception.

(b) Location. A permitted billboard under this category shall be located within the buildable area of the zoning lot.

No sign shall be located closer than 1,320 feet to any residential district or 660 feet to any B-1 or B-2 zoning district.

(c) Setback. A permitted billboard sign under this category shall be subject to the same setback as permitted uses.

(d) Spacing. No billboard sign shall be spaced or located closer than 2500 feet to any other billboard sign.

(e) Height. A sign permitted under this category shall not be higher than 35 feet above curb level of the nearest adjoining road.

(f) Illumination. Signs permitted under this category may be illuminated but not of the flashing or intermittent type.

(E) Industrial Districts. The following listed signs are permitted subject to the regulations following each.

(1) Signs on marquees, canopies, and awnings.

(a) Area and number. On each marquee, canopy, or awning, the name and address of the establishment on the premises or zoning lot shall be permitted, except for theatre marquees where the listing of the events to be performed may be displayed.

(b) Location. The location of permitted marquees, canopies, and awnings will determine the location of signs on each.

(c) Setback. The location of permitted marquees, canopies, and awnings will also be the setback of signs on each.

(d) Spacing. The location of permitted marquees, canopies, and awnings will also be the spacing of signs on each.

(e) Height. Signs under this category shall have the same height as the permitted marquee, canopy, or awning.

(f) Projection/mounting. No sign permitted under this category shall project beyond the surface area of the marquee, canopy, or awning on which it is located, and shall be mounted flat and flush to the surface.

(g) Illumination. Signs permitted under this category may be illuminated, but shall not be of the flashing or intermittent type.

(2) Name plates (See division (E)(3) below.)

(3) Business identification signs subject to the following:

(a) Type, area, and number. Only two signs that depict the name, address, number, or logo for each business located on a zoning lot shall be permitted under this category. One sign for each business may be located on the building, and each such sign shall not exceed 100 square feet in size. The other identification sign shall be part of one free-standing sign not exceeding 200 square feet in size, which shall be for the purpose of identification of all businesses located on the zoning lot and advertising as allowed in division (E)(4), below.

(b) Location. One sign under this category for each business may be located directly upon the building located on the zoning lot and the other sign may be part of the one free-standing sign allowed in division (E)(3)(a) above, which shall be located within the buildable area of the zoning lot.

(c) Setback. All signs under this category shall have the same setback as is required for permitted uses, except as allowed in division (E)(3)(f), below.

(d) Spacing. The permitted free-standing sign shall be spaced at least 100 feet from any other free-standing sign.

(e) Height. No sign permitted under this category shall be higher than the permitted uses, or higher than 30 feet above curb level, whichever is less.

(f) Projection/mounting. A sign on a building shall be mounted flush, and no sign shall project beyond the top of the permitted building nor beyond 18 inches from the wall surface of the permitted buildings.

(g) Illumination. Signs permitted under this category may be illuminated, but not of the flashing or intermittent type, except for devices depicting time and temperature.

(4) Advertising signs subject to the following:

(a) Type, area, and number. One sign which depicts information concerning the products sold on the premises or services provided, and which does not exceed 100 square feet in area shall be permitted on a zoning lot but shall also be part of the one free-standing sign permitted in division (E)(3)(a), above.

(b) Location. All signs permitted under this category shall be located within the buildable area of the zoning lot.

(c) Spacing. All signs permitted under this category shall be spaced at least 100 feet from any other free-standing sign.

(d) Setback. All signs permitted under this category shall have the same setback of the buildings permitted.

(e) Height. The sign permitted under this category shall not be higher than 30 feet above curb level

(f) Illumination. Signs permitted under this category may be illuminated, but not of the flashing or intermittent type.

(5) Traffic signs or signs accessory to parking areas subject to the following:

(a) Type, area, and number. Signs designating parking area entrances or exits are limited to one sign for each exit or entrance and each sign shall not exceed four square feet in area, one sign per parking area, designating the conditions of use or identity of the parking area, and limited to a maximum size of nine square feet, provided that on a corner lot two such signs, one facing each street, shall be permitted.

(b) Location. All signs permitted under this category shall be located within the area of the zoning lot and may be free-standing. No sign shall be so located as to obstruct the view of motorists. (See regulations on vision clearance in division (B)(3)(e) above.)

(c) Setback. All signs permitted under this category shall be located within the area of the zoning lot and may be free-standing.

(d) Height. No sign under this category shall exceed a height of five feet above curb level.

(e) Projection/mounting. Signs permitted under this category may be mounted or erected upon standards or separate supports.

(f) Illumination. Signs permitted under this category may be illuminated, but only from within the structure of the sign itself and so as not to create a hazard to motorists and shall not be of the flashing or intermittent type.

(6) Billboard signs as permitted in the B-3 zoning district, fully subject to all procedures for approval and other conditions listed therein.

(7) Signs permitted in the Residential District.

(F) Office Service Districts. In Office Districts the following listed signs are permitted, subject to the regulations noted after each:

(1) Signs on marquees, canopies, and awnings subject to the following:

(a) Area and number. On each marquee, canopy, or awning, only the name and address of the establishment on the premises or zoning lot shall be permitted.

(b) Location. The location of permitted marquees, canopies, and awnings will also be the location of signs on each.

(c) Setback. The location of permitted marquees, canopies, and awnings will also be the setback of signs on each.

(d) Spacing. The location of permitted marquees, canopies, and awnings will also be the spacing of signs on each.

(e) Height. All signs shall have the same height as the marquee, canopy, or awning on which they are located.

(f) Projection/mounting. No sign shall project beyond the surface area of the marquee, canopy, or awning on which it is located, and shall be affixed flat and flush to the surface.

(g) Illumination. Signs permitted in this category may be illuminated but shall not be of the flashing or intermittent type.

(2) Name plates (See division (F)(3) below.)

(3) Business identification signs subject to the following:

(a) Type, area, and number. Only two signs that depict the name, address, number, or logo of the business located on a zoning lot shall be permitted under this category. The area of all signs shall not exceed 200 square feet.

(b) Location. One sign under this category may be located directly upon the building location on the zoning lot, and the other may be free-standing within the buildable area of the zoning lot.

(c) Setback. All signs under this category shall have the same setback as is required for permitted uses, except as allowed in division (F)(3)(f), below.

(d) Spacing. The permitted free-standing sign shall be spaced at least 100 feet from any other free-standing sign.

(e) Height. No sign permitted under this category shall be higher than the permitted uses, or higher than 30 feet above curb level, whichever is less.

(f) Projection/mounting. A sign on a building shall be mounted flush and no sign shall project beyond the top of the permitted building nor beyond 18 inches from the wall surface of the permitted buildings.

(g) Illumination. Signs permitted under this category may be illuminated, but not of the flashing or intermittent type.

(4) Advertising signs subject to the following:

(a) Type, area, and number. Signs which depict information concerning the products sold on the premises or services provided shall be limited to 50% of the area of all windows of the building located on the zoning lot, but subject to applicable building codes.

(b) Location. All signs permitted under this category shall be located inside the buildings permitted within the Office Service District.

(c) Spacing. All signs permitted under this category shall be located inside the buildings permitted within the Office Service District.

(d) Setback. All signs permitted under this category shall be located inside the buildings permitted within the Office Service District.

(e) Height. All signs permitted under this category shall be located inside the buildings permitted within the Office Service District.

(f) Projection/mounting. All signs permitted under this category shall be located inside the buildings permitted within the Office Service District.

(g) Illumination. Signs permitted under this category may be illuminated, but not of the flashing or intermittent type.

(5) Traffic signs or signs accessory to parking areas subject to the following:

(a) Type, area, and number. Signs designating parking area entrances or exits are limited to one sign for each exit or entrance and each sign shall not exceed four square feet in area, one sign per parking area, designating the conditions of use or identity of such a parking area and limited to a maximum size of nine square feet, provided that on a corner lot two such signs, one facing each street, shall be permitted.

(b) Location. All signs permitted under this category shall be located within the area of the zoning lot and may be free-standing. No sign shall be so located as to obstruct the view of motorists. (See regulations on vision clearance in division (B)(3)(e) above).

(c) Setback. All signs permitted under this category shall be located within the area of the zoning lot and may be free-standing.

(d) Spacing. (See division (F)(5)(a), above)

(e) Height. No sign under this category shall exceed a height of five feet above curb level.

(f) Projection/mounting. Signs permitted under this category may be mounted or erected upon standards or separate supports.

(g) Illumination. Signs permitted under this category may be illuminated only from within the structure of the sign itself and so as not to create a hazard to motorists, and shall not be of the flashing or intermittent type.

(6) Signs permitted in the Residential District.
(Ord. 1298, passed 12-5-83) Penalty, see § 150.99

§ 150.89 FLAGS, PENNANTS, AND BANNERS.

Use of flags, pennants, or banners may be permitted within the B-1, B-2, B-3, and I-1 zoning districts, subject to the following:

(A) Type, area, and number. Flags, pennants, and banners affixed to real estate or structural improvements thereon may be permitted on a zoning lot in accordance with requirements herein set forth.

(B) Location. All permitted flags, pennants, and banners must be located within the buildable area of the zoning lot for which they are being used. No flags, pennants, or banners may be located within any required yard. Any portion of the zoning lot or adjoining lots under the same ownership shall be considered the same location.

(C) Setback. All flags, pennants, or banners must be set back at least the same depth as is the required yard line from all rights-of-way or property lines, whichever is greater.

(D) Height. No flags, pennants, or banners shall exceed a height of 30 feet above curb level.

(E) Illumination. No flags, pennants, or banners shall be illuminated.

(F) Duration. The permitted flags, pennants, or banners may be used at the same location for a period of not more than 30 continuous days. Flags, pennants, or banners may be permitted an additional two times within the calendar year at the same location, provided, however, that the permitted 30 continuous day periods are not consecutive and are separated by a time period of at least 90 days.

(G) Permit fee. For each 30 continuous day period a permit shall be required; the fee may be waived for non-profit organizations.

(Ord. 1298, passed 12-5-83) Penalty, see § 150.99

§ 150.90 TEMPORARY OR PORTABLE SIGNS.

(A) Temporary or portable advertising signs or displays which are not permanently affixed to real estate or structural improvements thereon, and not in conformance with sign provisions herein, shall not be permitted; and any existing signs shall be removed within 90 days after the adoption of this subchapter.

(B) For purposes of this subchapter "PERMANENTLY AFFIXED" shall mean fastened or secured in accordance with the design and material specifications of applicable building codes.

(Ord. 1298, passed 12-5-83) Penalty, see § 150.99

§ 150.99 PENALTY.

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any structure or land in violation of any regulation in or any provisions of this chapter or of any regulation enacted hereunder by the Board of Zoning Appeals. The Board or the Plan Commission may institute a suit for a mandatory injunction directing the removal of a structure erected in violation of this chapter. Any structure or use that violates this chapter

shall be deemed to be a common nuisance and the owner of the structure or land shall be liable for maintaining a common nuisance. Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$10 and not more than \$300. Each day violation continues shall constitute a separate offense.
(Ord. 799, passed 12-18-70)